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Introduction

1. This document is the revised Common Core Document of the Republic of Latvia that covers the period from 2002 to 2016 (hereinafter — Common Core Document). The first Common Core Document of the Republic of Latvia was submitted to the United Nations (hereinafter — UN) on 26 February 2002.

2. The Common Core Document is drafted in accordance with the requirements of "Harmonized Guidelines on reporting under the international human rights treaties, including guidelines on a core document and treaty-specific documents",[1] as well as taking into account the UN General Assembly Resolution 68/268 of 9 April 2014, on the strengthening and enhancing the effective functioning of the human rights treaty body system.[2]

3. The Common Core Document, taken jointly with the periodic national report on the implementation of a UN human rights treaty, provides the latest information on the measures taken by Latvia in the promotion and protection of human rights.

4. The first part of the Common Core Document includes information on the demographic, economic, social and cultural indicators of the State. The second part provides information on the general framework for the promotion and protection of human rights in Latvia. The third part describes measures taken by Latvia for the elimination of discrimination and for the promotion of gender equality, as well as the domestic remedies available to a person.

5. The Common Core Document was prepared by the Ministry of Foreign Affairs in cooperation with the Ministry of Economics, the Ministry of the Interior, the Ministry of Culture, the Ministry of Welfare, the Ministry of Education and Science, the Ministry of Justice, the Ministry of Environmental Protection and Regional Development, the Ministry of Health and the Office of the Prosecutor General.

I. General information about the State

A. Demographic, economic, social and cultural indicators

6. The Republic of Latvia is situated in north-eastern Europe on the eastern coast of the Baltic Sea, and covers the area of 64.573 square kilometres. The State borders with the Republic of Estonia in the north, with the Republic of Lithuania in the south and the Republic of Belarus and the Russian Federation in the east. The landscape of Latvia is marked by lowland plains and rolling hills, but the most of the countryside is less than 100 metres above the sea level. The country historically and culturally is divided into four regions: Kurzeme, Latgale, Vidzeme and Zemgale. There are 9 cities, 110 regions, 67 parish towns and 497 local communities in Latvia.

7. The capital of the Republic of Latvia is Riga. The official language of the State is Latvian, which is one of the oldest Indo-European languages. In accordance with the statistical data from 2000, 79% of the population of Latvia knew Latvian, while the studies conducted by the Latvian Language Agency in 2009 and 2014 regarding the situation of the language proficiency shows that 91–92% of surveyed persons know Latvian. The national currency since 1 January 2014 is euro (EUR).

[1] Harmonized Guidelines on reporting under the international human rights treaties, including guidelines on common core document and treaty-specific documents), HR/GEN/Rev.6., adopted on 3 June 2009.

[2] Resolution 68/268. Strengthening and enhancing the effective functioning of the human rights treaty body system. Adopted by the sixty-eighth session of the General Assembly on 9 April 2014.

Demographic situation

8. At the beginning of 2017 the number of resident population in Latvia was 1,950,116; 895,863 out of all resident population were males and 1,054,433 — females. 303,587 persons were under the age of 15, 1,258,620 persons were between 15 and 64 years of age, and 387,909 persons were 64 and older.

9. In comparison with the data from 2002, the percentage of population under the age of 15 has decreased from 16.7% to 15.6%, the proportion of persons between 15 and 64 years of age has decreased from 67.9% to 64.5%, but the percentage of persons 64 and older has increased from 15.4% to 19.9%. In general, since 2000 the number of population continues to decline, namely, change in the total number of population in 2016 is -1.0%. The natural population growth in 2016 was -0.3%, which indicates the improvement of the situation in comparison with the data from 2002. When comparing with the years of economic crisis, fewer people left the State in 2016, however the migration balance is still negative and in 2016 constituted -0.9% (in 2009 the indicator was -1.6%, but in 2010 -1.7%) (See Appendix No. 2).

10. To tackle the situation, on 30 July 2013 the Cabinet of Ministers approved the *Plan for re-emigration support measures for 2013–2016*. The essence of measures included in the plan is to provide support and reduce barriers and difficulties faced by the Latvian nationals living abroad and their families, upon returning and resettling in Latvia, as well as to strengthen the link of the Latvians living abroad with Latvia and to promote their participation in the economic growth of Latvia. For example, measures are taken to attract highly qualified work force, provide trainings in Latvian, provide support to students entering Latvia's education system, etc. Various public authorities and local governments, as well as diaspora organisations are involved in the implementation of the plan.

11. The perinatal mortality rate is decreasing year from year, reaching the rate of 8.3 in 2010 per live and stillborn. The birth rate also improves, namely, in 2002, the birth rate was 8.7, while in 2015 it was 11.1 (see Appendix No. 2).

Ethnic composition

12. Latvia has multi-ethnic society comprising representatives of more than 150 ethnicities. The biggest ethnic groups are Russians, Belarusians, Ukrainians, Poles, Lithuanians, Jews, Roma, Germans and Estonians. Minorities and their culture is an integral and important part of the society and cultural space of Latvia. They have resided in Latvia for generations, they consider themselves as belonging to the Latvian state and society, while preserving their distinct cultural identity. *The Constitution of the Republic of Latvia* (*Satversme*) and domestic legislation guarantee the rights of persons belonging to minorities to preserve and develop their language, ethnic and cultural identity (see Appendix No. 2, paragraph 190 et seq.).

13. Since the restoration of independence of Latvia, the society integration policy has been one of the leading domestic policy issues. Latvia continues to implement stable and sound policy on integration and minority issues, and it is attested by several examples of successful society integration. Namely, since 1995 Latvia continues to provide a possibility for several groups of residents to learn Latvian free of charge. Latvia continues to develop and finance education in minority languages. Latvia has adopted necessary legal acts regarding naturalization and acquisition of citizenship, as well as ensures their fair and objective implementation.

14. On 20 October 2011, *the Guidelines on National Identity, Civil Society and Integration Policy* were adopted, and their goal is a strong and united society in Latvia — national and democratic community that ensures the preservation and enrichment of the uniting ground — the Latvian language, culture and national identity, European democratic values, unique cultural space — for the balanced development of the Latvian national democratic state (see paragraphs 191 et seq.).

Economic indicators

15. From 2005 until 2007 huge inflow of external capital promoted significant increase of the private consumption and investments in Latvia. The average annual gross domestic product (GDP) growth rates exceeded 10%. In 2008 and 2009, the cessation of the inflow of the external capital because of the global financial crisis led to recession. During the crisis GDP decreased by ¼, the external debt almost doubled, the number of employees decreased by 16%, the wages of those actually employed decreased by 12%. Since the end of 2010, economic downturn in Latvia has been ended, and the growth has resumed.[3]

16. From 2011 to 2013 GDP grew by 4.4% per year on average, which was one of the fastest growths in the European Union (hereinafter — EU). In 2014, GDP grew by 2.1%, and in 2015 — by 2.7%. The slowdown in growth rates over the last two years has been driven by external trends, such as slower than expected growth in the EU. Although in recent years Latvia's economy is growing, GDP is still by 7.5% lower than before the crisis in 2007.[4] GDP in 2016 per capita at the current prices constitute EUR 12,762 (see Appendix No. 3).

Social indicators

17. In Latvia, information is gathered on the number of persons who have been recognised as having a status of a poor family (person), and according to this data, from 2005 to 2010 the proportion of poor persons increased from 5.7% of people living in private households to 10.9 %. From 2010 to 2015, however, the proportion of poor persons decreased to 4.2% of people living in private households. Poor persons are entitled to social assistance benefits paid by local governments (GMI benefits, housing allowances, and other allowances for basic needs) and food packages provided by the European Fund for the benefit of the poorest persons (see Appendix No. 3).

B. Constitutional, political and legal structure

Origins of the country

18. Latvia is a democratic parliamentary republic, founded on 18 November 1918.

19. Latvia lost its independence because of the secret protocol of the non-aggression agreement signed by the Germany and Union of Soviet Socialist Republics (hereinafter — the USSR) on 23 August 1939 (so called Molotov-Ribbentrop Pact). Despite the occupation by the USSR (1940–1941, 1945–1991) and by the Nazi Germany (1941–1945), Latvia continued to exist *de iure* as a subject of international law, which was recognized by more than 50 countries of the world.

20. Latvia regained its independence with the adoption of the *Declaration on the Restoration of the Independence of the Republic of Latvia* (also known as the Declaration of Independence) by the Supreme Council of the Republic of Latvia on 4 May 1990, the essence of which is the restoration of the Republic of Latvia founded on 18 November 1918 on the basis of legal continuity. The Declaration of Independence recognised the *Declaration on Latvia's accession to the Union of Soviet Socialist Republics*, adopted on 21 July 1940, as invalid from its adoption, and partly reinstated the *Satversme* (Constitution) of the Republic of Latvia, adopted on 15 February 1922, in the whole territory of Latvia.

Constitution (Satversme) of the Republic of Latvia

21. The *Satversme* (Constitution) of the Republic of Latvia was adopted on 15 February 1922. Its operation was unlawfully suspended from 1940 until 1990. On 21 August 1991, the Supreme Council of the Republic of Latvia adopted the constitutional law *On the status*

[3] Report of the Ministry of Economics on the Development of Latvian Economy, page 9. Available here (in Latvian): https://www.em.gov.lv/files/tautsaimniecibas_attistiba/zin/2015_dec_lv.pdf.

[4] Ibid.

of the Republic of Latvia as a State, which fully restored the operation of the *Satversme* (Constitution) of the Republic of Latvia of 1922 and ended the transitional period for the restoration of the *de facto* independent power of the Republic of Latvia.

22. Considering that the *Satversme* (Constitution) of 1922 did not contain a separate chapter on human rights and fundamental freedoms, on 10 December 1991, the Supreme Council adopted the constitutional law *Rights and Obligations of a Person and a Citizen*, which defined fundamental rights in accordance with international human rights standards.

23. In 1998, the *Satversme* (Constitution) was supplemented with Chapter VIII *Fundamental Human Rights*, which is based on recognized international human rights standards. With its entry into force, the constitutional law of 10 December 1991 became void. The principles established in the *Satversme* are enacted through other national legal acts (laws, Regulations of the Cabinet of Ministers, etc.). All institutions of the legislative, executive and judiciary have an obligation to respect human rights in the exercise of their powers. Institutions for the promotion and protection of human rights are established at all levels.

24. On 19 June 2014, following lengthy and comprehensive public discussions, as well as discussions among experts and legislators, the *Saeima* (Parliament) approved the introduction to the *Satversme* (Constitution). The introduction does not change the norms and principles included in the *Satversme*, but strengthens them, reflects the goals of the state of Latvia, the basic principles of operation, and the essence of the constitutional identity of Latvia. The introduction reaffirms the principles of democracy, pluralism and human rights embodied in the *Satversme*, which clearly and irrevocably determine and guarantee the rights of persons belonging to ethnic minorities to preserve and develop their language, ethnic and cultural identity.

Election system

25. According to the *Satversme* (Constitution), the sovereign power of Latvia belongs to the people of Latvia. One of the forms for people to exercise their power is to have free and democratic elections. Since the restoration of independence in 1990, seven regular parliamentary elections and one extraordinary parliamentary election have been held in Latvia. During the same period, six local elections have also taken place (see Appendix No. 4).

26. Article 101 of the *Satversme* (Constitution) stipulates that every citizen of Latvia has the right to participate in the work of the State and of local government. Citizens of Latvia, who have attained the age of 18 years on the day of elections, have the right to elect the parliament of the Republic of Latvia — the *Saeima*. The highest governing body of local governments — councils — are elected by fully-fledged Latvian citizens and EU citizens permanently residing in Latvia. Every EU citizen permanently residing in Latvia has the right to participate in the activities of local governments in accordance with the law.

27. On 29 January 2004 *the Elections to the European Parliament Law* was adopted. The law sets the procedure for the elections to the European Parliament in the Republic of Latvia. Any voter, who has attained the age of 21 on the day of elections, can stand for elections to the European Parliament. On 12 June 2004, elections to the European Parliament took place for the first time in Latvia. Latvian electorate had a possibility to participate in the elections to the European Parliament also in 2009 and 2014.

28. With the judgment of the Constitutional Court of 6 March 2002, the provision of *the Saeima Election Law*, which denied suspects, accused or persons on trial to vote if detention was imposed on them as a security measure, was recognized as not in compliance with the *Satversme* (Constitution). The afore-mentioned provision was declared null and void as of pronouncement of the judgment of the Constitutional Court. Voting for persons, on whom detention is imposed as a security measure, is organized at the place of their location. Detained persons and persons serving the punishment of deprivation of liberty may participate in elections by voting via mail.

29. According to the domestic legislation on the election process, the polling station commission organizes voting at the place of location of a voter, who because of his or her

health cannot arrive at a polling station, and for a person taking care of such a voter. The secrecy of vote must be ensured.

30. On 17 June 2004, the Grand Chamber of the European Court of Human Rights (ECHR) in the judgment in the case of *Tatjana Ždanoka v. Latvia*[5] found that Latvia, by imposing restriction on the applicant to stand for elections to the national parliament, has not violated Article 3 (right to free elections) of the Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms. This prohibition resulted from the finding of a legal fact related to the activities of the applicant in the Communist Party of the Latvia SSR after 13 January 1991. The ECHR recognized that the purpose of the restrictions for the right to stand for election was not to punish those who opposed the integrity of democratic processes, but rather to exclude the participation in the legislative process of the persons, who had actively participated in a party that had violently attempted to overthrow the restored democratic regime in the country.

31. Unlike for the elections to the *Saeima* and local elections, there no longer exist restrictions for the elections to the European Parliament for the staff of former USSR, Latvia SSR or foreign state security services, intelligence or counterintelligence service, as well as for persons who participated in Communist Party of the Soviet Union (Latvian Communist Party), Latvian SSR International Worker's Union, Joint Council of Workers, the Organization of War and Labour Veterans, the All-Latvian Society Rescue Committee or its regional committees after 13 January 1991.

Political framework

32. The Republic of Latvia is governed in accordance with the principle of separation of powers. At the national level, the people of Latvia are represented by the *Saeima* (Parliament), which has legislative power, while the Cabinet of Ministers exercises executive power. The President of the State represents the country internationally, and serves as the commander-in-chief of the Armed Forces. Three level courts (district (city) courts, regional courts, the Supreme Court), as well as the Constitutional Court as a mechanism for constitutional control, implement the judicial power. The national human rights protection institution that complies with the Paris principles — the Ombudsperson, is operating in Latvia.

Legislative power

33. The *Saeima*, as well as the people of Latvia, have the right to legislate, in accordance with the procedures provided for by the *Satversme* (Constitution). The *Saeima* consists of 100 deputies elected in general, equal, direct, secret and proportional elections. The *Saeima* is elected for a period of four years. The *Saeima* is elected by fully-fledged Latvian citizens who have attained the age of at least 18 years on the day of elections, and every full-fledged Latvian citizen, who is older than 21 years on the first day of elections, may be elected to the *Saeima*. The *Saeima* elections are held on the first Saturday of October. The *Saeima* elections that took place in 2002, 2006, 2010, and 2014 were regular, while in 2011 they were extraordinary (namely, the elections were regular in 80% of cases). All elections were held in accordance with the procedure set by the law.

34. According to the *Satversme* (Constitution), the *Saeima* performs several functions, and the adoption of laws is the most important of them. Draft laws may be submitted to the *Saeima* by the President, the Cabinet of Ministers or by the commissions of the *Saeima*, by at least five members of the *Saeima* or by at least one-tenth of the electorate. Before the final adoption by the *Saeima*, draft laws are reviewed and discussed by the commissions of the *Saeima*. In total, there are 16 commissions in the *Saeima*, working in a specific legislative area or performing other tasks.

35. In addition, the *Saeima* controls the work of the Government. Once a year the Prime Minister reports to the *Saeima* on the work accomplished by the Cabinet of Ministers and

[5] *Tatjana Ždanoka v. Latvia* (application No. 58278/00), judgment of the Grand Chamber of the ECHR of 16 March 2006. Available here (in English, French): *http://hudoc.echr.coe.int*.

on the work planned. The *Saeima* also holds annual foreign policy debates, where the Foreign Minister reports on the achievements and intended actions in the area of foreign policy and on EU issues. The *Saeima* receives answers to questions put by the members of the Parliament to the Prime Minister, to the members of the Cabinet of Ministers or to the President of the Bank of Latvia.

36. Furthermore, the *Saeima* elects, approves and appoints, dismisses or discharges from the office many public officials, such as the President, members of the Government, the Chairman of the Supreme Court, the Prosecutor General, judges, the Auditor General, the President of the Bank of Latvia, the head of the Corruption Prevention and Combating Bureau, and other officials. The *Saeima* also approves the Ombudsperson.

37. The *Saeima* approves all international treaties that regulate issues that have to be settled through legislation, and cooperates with parliaments of other countries. The *Saeima* also gives an amnesty.

President of the State

38. In accordance with the *Satversme* (Constitution), the President of the State is elected by the *Saeima* by secret ballot. The President of the State is elected for a term of four years, and the same person may not hold office as a President of the State for more than two terms.

39. The President represents the State internationally, appoints the diplomatic representatives of Latvia, as well as receives diplomatic representatives of other States. The President implements the decisions of the *Saeima* concerning the ratification of international agreements. The President is the Commander-in-Chief of the armed forces of Latvia.

40. According to the provisions of the *Satversme* (Constitution), the President has the right to initiate legislation. The President proclaims all the laws passed by the *Saeima*, but the President may request a re-examination of the law. Between 1997 and November of 2015, the President has returned 58 laws to the *Saeima* for re-examination. The President also has a right to suspend the publication of the law for two months in accordance with the provisions of the *Satversme*. In accordance with *the Constitutional Court Law*, the President has the right to submit an application to the Constitutional Court on the compliance of a law with the Constitution. Since the adoption of *the Constitutional Court Law*, the President has applied to the Constitutional Court once in 2009.

41. The President has established a number of advisory bodies the duty of which is to assess the situation and make proposals, including in areas related to human rights. For example, the purpose of the Consultative Council on National Minorities is to promote a dialogue on issues of ethnic, cultural, linguistic and religious identity of minorities, and to support the promotion of socio-political participation of minorities. The Council gives opinions on the topical issues for minorities, as well as evaluates and expresses opinions on the fundamental principles of the cultural autonomy of minorities. In 2015 the Commission for Legal Environment Improvement was established, the purpose of which is to provide expert opinion on the issues of national defence, improvement of the operation of the judicial system, legislation efficiency and other issues of national importance.

Executive power

42. In accordance with the *Satversme* (Constitution), the state administration authorities in Latvia are subordinate to the Cabinet of Ministers. The Cabinet of Ministers is composed of the Prime Minister, a person invited by the President, and ministers. The *Saeima* expresses its confidence to the Prime Minister and ministers, and they are responsible for their activities to the *Saeima*. The Cabinet of Ministers discusses all draft legal acts prepared by the ministries and all issues related to the activities of ministries. Currently there are 13 ministries in Latvia.

43. The ministry of each sector is responsible for the promotion and protection of human rights, as well as for the fulfilment of the international human rights obligations within the

area of their competence. Various law enforcement and supervisory authorities for enforcement of laws are operating in subordination to the ministries.

Judicial power

44. There is a three-level court system in Latvia — district (city) courts, regional courts and the Supreme Court. Civil cases, criminal cases and administrative cases are adjudicated by 35 courts, divided into three levels — 28 district (city) courts, six regional courts, and the Supreme Court. Since 2004, the Administrative District Court and the Administrative Regional Court, as well as the Department of Administrative Cases of the Supreme Court have been established for the adjudication of the administrative cases (see Appendix No. 5).

45. In order to introduce a "pure" court instance system in Latvia, on 1 January 2014, the judicial reform in the *Criminal Procedure Law* was completed, and in 2015, the judicial reform in the *Civil Procedure Law* and other related laws was commenced. In accordance with the new system, the district (city) courts will adjudicate all cases as the court of first instance; regional courts will adjudicate cases only in the appeal proceedings, and the Supreme Court will adjudicate the cases only in the cassation proceedings. Before the reform, certain cases were under the jurisdiction of the regional court as the court of first instance, and the Supreme Court operated both, as the court of the appellate instance (Chambers of Court) as well as cassation instance (Departments).

46. Judges are approved by the *Saeima*. Judges are independent and subject only to the law. In order to propose a person for the appointment as a judge, the person must comply with the criteria set in the *Law on Judicial Power*, pass the selection of a candidate for the position of a judge, have in-service training, and pass the qualification examination of a judge. The position of a judge is not compatible with belonging to political parties and other political organizations. The *Law on Prevention of Conflict of Interest in Activities of Public Officials* regulates the possibilities of holding of more than one position and establishes restrictions for the commercial activity of judges.

47. In the criminal procedure of Latvia, a position of the investigating judge has been introduced. Investigating judge is a judge to whom the chairperson of the district (city) court has assigned for a set period of time and in accordance with the procedure envisaged in the law, the task of monitoring the compliance with human rights in criminal proceedings. An investigating judge may initiate that the officials, who are authorised to perform criminal proceedings, are held liable for infringements of human rights resulting from the exercise of procedural powers in criminal proceedings (see paragraph 105).

48. In 1996, *the Constitutional Court Law* was adopted, and the Constitutional Court commenced its work, adjudicating the cases on the compliance of regulatory enactments of Latvia, as well as of compliance of international agreements concluded with Latvia, with the *Satversme* (Constitution). A judgment adopted by the Constitutional Court and the interpretation of the relevant legal provision provided therein are mandatory for all state and local government institutions (including courts) and officials, as well as for natural and legal persons. Since 2001, individuals have the right to submit a constitutional complaint to the Constitutional Court. Between 2002 and 31 December 2016, the Constitutional Court examined 292 cases. 214 judgements were announced in the above-mentioned categories of cases (including in accordance with procedure on merger of cases), while in 77 cases the court proceeding was discontinued (see paragraph 115 et seq.).

49. Persons belonging to the judicial power are public prosecutors, sworn advocates, sworn notaries and sworn bailiffs.

Prosecutor's Office

50. The Prosecutor's Office is a judicial authority, independently exercising supervision of the compliance with the law within the framework of its competence. The prosecutor's offices in the exercise of statutory functions, supervise the pre-trial investigation, initiate and conduct criminal prosecution, as well as maintain the charges before the court, including regarding criminal offenses against fundamental human rights. The public prosecutor also performs supervision aimed at detecting and preventing criminal offenses in places where detainees, arrested persons and persons in custody, as well as persons serving

a sentence of deprivation of liberty are held, and in cases specified by law, and participates in the examination of issues related to the execution of criminal sentence (see Appendix No. 5).

51. Public prosecutor participates in the adjudication of civil cases in the court, if he or she has brought a civil claim, or his or her participation is mandatory. A public prosecutor may bring a civil claim or submit an application to the court if: 1) it is necessary for the protection of the rights and interests of the State or local government; 2) rights or lawful interests of minors, persons in custody, persons with disability, prisoners or other persons, who have limited possibilities to protect their rights, have been infringed; 3) and infringement has been established in the course of prosecutorial examination. The participation of the public prosecutor in adjudication of civil cases is mandatory: 1) if a court has recognized it as necessary; 2) if it is provided for by the Civil Procedure Law or other laws, for example, in the cases on approval and cancellation of adoption, in the cases on the determination of limitations of legal capacity and the establishment of guardianship due to mental health disorders or other health-related issues.

52. Since the adoption of the *Constitutional Court Law*, the Prosecutor's Office has submitted three applications to the Constitutional Court. In 1999, the Prosecutor General lodged an application with the Constitutional Court requesting to examine the compliance of the Regulations *"On the Procedure of Renting Free Apartments in Dwelling Houses under the Management of the Real Estate Agency"* with the requirements of legal acts in the area of legal lease relations. With its judgement of 9 July 1999, the Constitutional Court recognized the above-mentioned Regulations as not in compliance with legal acts of Latvia, and void.[6] In 2003, the Prosecutor General lodged an application with the Constitutional Court requesting to examine the compliance of the provisions of the Labour Law related to work not provided in the employment contract and overtime work as not in compliance with the Constitution, and with its judgement of 27 November 2003 the Constitutional Court recognized the disputed norms as in compliance with the *Satversme* (Constitution).[7] In 2007, the Prosecutor General lodged an application with the Constitutional Court requesting to examine the compliance with the law of the terms and conditions related to allocation of the quota for production of biofuel. With its judgement of 23 September 2008, the Constitutional Court recognized the above-mentioned conditions as not in compliance with legal acts of Latvia, and void.[8]

State Police and Internal Security Bureau

53. The State Police is an institution of direct administration under the supervision of the Minister of Interior, which, in accordance with its competence, implements the state policy in the field of crime prevention, protection of public order and safety, as well as in the protection of the rights and legitimate interests of persons. The work of the State Police is regulated by *the Law on Police* and other regulatory enactments. It is the duty of each police officer to comply with the requirements of *the State Police Code of Ethics*.

54. On 17 December 2014, the *Saeima* adopted the *Law on the Internal Security Bureau* in order to ensure the effective, impartial and independent investigation of criminal offenses committed by the officials of the investigating authorities. This law provides for the establishment of a new institution under the supervision of the Minister of Interior, taking over the functions of the Internal Security Bureau of the State Police. The newly established Internal Security Bureau commenced its work on 1 November 2015, and its functions include detection, investigation and prevention of criminal offenses committed by: officers

[6] See judgement of the Constitutional Court of 9 July 1999 in the case No. 04-03 (99). Available here (in English): *http://www.satv.tiesa.gov.lv/wp-content/uploads/1999/04/04-0399_Spriedums_ENG.pdf*.

[7] See judgement of the Constitutional Court of 27 November 2003 in the case No. 2003-13-0106. Available here (in English): *http://www.satv.tiesa.gov.lv/wp-content/uploads/2003/06/2003-13-0106_Spriedums_ENG.pdf*.

[8] See judgement of the Constitutional Court of 23 September 2008 in the case No. 2008-01-03. Available here (in English): *http://www.satv.tiesa.gov.lv/wp-content/uploads/2008/01/2008-01-03_Spriedums_ENG.pdf*.

and employees of institutions subordinate to the Ministry of Interior, except officials and employees of the Security Police; officials of the Prison Administration with special service ranks during performance of their official duties in prisons, if the offence involve violence; employees of the Port Police during the performance of their official duties, if the offence involves violence; the officers of the Municipal Police during performance of their official duties, if the offence involves violence.

55. The State Police cooperates with various non-governmental organizations (hereinafter — NGOs), that work in the field of protection of children's and women's rights, that promote equality issues, combating corruption, etc. In cooperation with NGOs, an informative section on the webpage of the State Police concerning the complaint mechanism was created in Latvian and English.

National Institution for Human Rights (Ombudsperson)

56. In 1995, in accordance with the Paris Principles of the United Nations, the National Human Rights Office was established — a state institution engaged in the promotion of fundamental rights and freedoms and in educating in the field of human rights. In 2007, the Ombudsperson's Office was established on the basis of the National Human Rights Office, which further strengthened the independence of the institution and expanded its competence.

57. The Ombudsperson's Office is a national institution of Latvia for human rights operating in accordance with the Paris Principles of the UN. In 2015, the Ombudsperson s Office was granted "A" accreditation status by the Accreditation Subcommittee of the International Coordinating Committee of the National Human Rights Institutions. The Ombudsperson is elected by the *Saeima* for five years.

58. The work of the Ombudsperson is regulated by the *Ombudsperson's Law*, which entered into force in 2007. The above-mentioned law states that the Ombudsperson is independent in his/her activities, and is subject only to law. The main tasks of the Ombudsperson are to promote the protection of human rights and to promote the lawful, effective and sound administration of state power.

59. The Ombudsperson's Office examines individual applications and addresses systemic problems in the field of human rights by providing advice to persons on the issues of human rights, conducting research and analysing the situation in the field of human rights. The Ombudsperson is entitled to initiate an examination based on a submission or complaint, or on his own initiative. The Ombudsperson has the right to indicate to the *Saeima*, the Cabinet of Ministers the deficiencies in the law, to invite to remedy them, to lodge an application with the Constitutional Court, and in cases of a violation of the prohibition of discrimination, to apply to the court of general jurisdiction in the interests of the society. The annual report on the work of the Ombudsperson's Office is submitted to the members of the *Saeima* (see Appendix No. 5).

Local governments

60. There are 119 local governments operating in the country — 110 regions and 9 cities of the republic. Local governments work independently within their competence and within the framework of law. In accordance with *the Law on Local Governments*, the activities of local governments are supervised by the Ministry of Environmental Protection and Regional Development. The Cabinet of Ministers coordinates with municipalities the issues that affect the interests of all local governments. Local elections in 2005, 2009 and 2013 have been regular and held in accordance with the law.

61. The local government ensures fulfilment of the functions prescribed by law through the representative office elected by citizens — municipal council — and institutions and authorities established by it. The council consists of elected deputies whose number is determined according to the number of inhabitants registered in the administrative territory of the respective local government, and the work of the council is performed during meetings and regular committees. In accordance with the provisions of *the Law on Local Governments*, the *Saeima* may dissolve the council.

62. It is within the competence of the local government to provide social care to the inhabitants and to provide social assistance benefits, to participate in the provision of health care and education, in the development of culture, as well as in matters of integration of society. Local governments grant social assistance benefits to low-income families and socially disadvantaged persons, as well as ensure or provide long-term and short-term social care and social rehabilitation services. The provision of social assistance services is ensured by the local social services.

63. In the area of protection of the rights of children, local governments provide orphans and children left without parental care with places in educational and upbringing institutions, look after guardianship, custody, adoption, and protection of other rights and interests of children. Orphans' and custody courts have been established by the local governments for the protection of the rights and legal interests of a child and other persons with limited legal capacity (see paragraph 131 et seq.).

64. Several local governments have established consultative councils of inhabitants, which make proposals for solving the issues within the competence of the local government.

Non-governmental organisations

65. The NGO sector is a strong cooperation partner for public administration. Regulatory enactments of Latvia provide for public participation in the state administration, through participating in various working groups, councils, advisory bodies, as well as by providing opinions and recommendation following the initiative of officials of an institution.

66. There are two types of NGOs in Latvia — associations and foundations. An association is a union of volunteers who work to achieve the statutory goal, while the foundation (for example, a fund) is an aggregate of property that is separated for achievement of the goal set by the founder. Procedure for the establishment and registration of associations and foundations, as well as the basic principles of operation, is regulated by the *Associations and Foundations Law*.

67. In accordance with the requirements of the regulatory enactments, natural and legal persons may establish an association for a limited or unlimited period; the number of founders of an association may not be less than two people. No initial investment is required in order to establish an association. The foundation can be established by one or more persons; there are no members in the foundation. The afore-mentioned law also defines the requirements for the management bodies of an association and foundation. NGOs are registered in the Register of Associations and Foundations maintained by the Enterprise Register of the Republic of Latvia.

68. A refusal to register a foundation may be challenged before the Chief State Notary of the Enterprise Register, while the decision of the state notary regarding refusal to register a foundation may be appealed before the Administrative District Court. On 21 January 2016, there were 20,662 NGOs registered and active (not dissolved)[9] in Latvia. The number of NGOs from 2013 until 2016 has increased by 2,498 organizations, or 12%.

69. To promote cooperation with the NGOs, in January 2014 the Government approved a new memorandum of cooperation between NGOs and the Cabinet of Ministers. The goal of the improved Memorandum is to strengthen further the involvement of civil society at all levels and stages of decision-making. Memorandum has been signed by more than 350 representatives of NGOs. Implementation of the objectives and principles of the Memorandum in the state administration is promoted by the Implementation Council of the Memorandum.

70. Between 2011 and 2014, the number of NGOs involved in advisory councils has gradually increased from 830 up to 1,128 organizations. Representatives of NGOs are also

[9] *Overview of the NGO sector in Latvia, 2015,* Latvian Civic Alliance. Available here (in Latvian): http://www.nvo.lv/site/attachments/29/04/2016/NVO_PARSKATS-2015-23.04.pdf.

often included in the inter-ministerial working groups that prepare draft laws and planning documents. NGOs have a possibility to submit proposals in the process of evaluation of the draft laws, and to participate in the meetings of the commissions of the *Saeima*, providing their opinion and recommendations on the draft laws.

71. Several sectoral ministries have established advisory bodies with involvement of NGOs and experts for promotion of human rights within the area of their competence. For example, the Advisory Council of the Ministry of Education and Science on minority education organizes exchange of opinions and proposes discussions on how to facilitate the implementation of high quality educational process in minority schools. The Youth Advisory Council ensures the coordination of youth policy and promotes participation of youth in decision-making and social life.

72. The Ministry of Welfare is open to co-operation with NGOs, various institutions and public groups for ensuring public participation in the establishment of a democratic, stable and responsible social security policy. The Ministry of Welfare coordinates the work of the National Council for Disability Affairs and the work of the Gender Equality Committee (see paragraph 142), which includes representatives of the state and local government institutions, NGOs and social partner institutions. The Sub-council of the Tripartite Cooperation in Labour Affairs, Social Inclusion Policy Coordination Committee, Youth Guarantee Programme Implementation Advisory Committee, Senior Affairs Council, Social Work Specialists Co-operation Council, Committee on the Rights of the Child (see paragraph 130), Training Committee for determination of the training areas, education programmes, professions, social and professional skills as well as Social Services Development Council work in the Ministry of Welfare. The Ministry of Welfare also performs the functions of the secretariat in the Demographic Council and the Social Security Sub-Council.

73. Under the auspices of the Ministry of Culture, the Advisory Committee of Representatives from Minority NGOs is working with the aim to promote participation of NGOs in the formation of civil society, development of ethno-politics and in the area of minority rights and culture. Furthermore, the Advisory Committee also submits proposals to the Ministry of Culture for coordination of the implementation of the obligations provided for by the Council of Europe Framework Convention for the Protection of National Minorities. In 2012, the Advisory Council for Implementation of the Roma Integration Policy was established, aimed at promoting the integration of Latvia's Roma and assessing its implementation, strengthening cooperation between the Roma community and public administration, as well as activating the Roma community's civic participation. The Advisory Council for the Integration of Third-Country Nationals was established in 2013 with the aim to promote discussion and cooperation between institutions in the field of integration of third-country nationals, to promote participation of third-country nationals as well as NGOs representing them in the formation of the state policy in the area of society integration.

74. There is a great variety of attitudes and behaviours among the minorities of Latvia regarding the way on how to adapt to social and economic changes in society, as well as to the requirements for the knowledge of the Latvian language, naturalization, possibility to participate in political and social processes. One of the mechanisms for promoting more active involvement of minorities in political and social processes is to support interest and cultural organizations of minorities, provided, however, that they expand the existing social networks and, which is very important, promote intercultural communication as well as the use and acquisition of the Latvian language.[10]

75. On 1 June 2015, there were 306 minority NGOs registered in the Enterprise Register of the Republic of Latvia. Associations of minorities are mostly registered in cities, 85% of associations are registered in big cities — in Riga and other cities of the republic. Every

[10] Study "*Participation of minorities in democratic processes in Latvia*" (2015), foundation "Baltic Institute of Social Sciences". Available here (in Latvian): *http://petijumi.mk.gov.lv/sites/default/files/file/KM_Petij_Mazakumtaut_lidzdaliba_demokrat_procesos_Latv.pdf*.

second minority NGO works with the aim of preserving and developing a specific culture (52% or 160), the aim of 11% of associations and foundations of minorities is to represent the interests of a public group. The activities of 37% of minority NGOs are aimed at implementation of both of the above-mentioned goals. 42% of active minority NGO are involved in decision-making processes at the national and local government level.[11]

Media

76. Media system of Latvia consists of both, public media (television and radio), as well as private media. There are national and regional media, as well as local media. Television and radio programs are prepared, printed newspapers and magazines are published, web portals operate etc. in Latvia. Considering the wide availability and use of internet, media convergence and provision of extensive content on internet platforms can be observed. There are several important written media operating in Latvia exclusively on internet platforms, providing the content of original news in both, Latvian and Russian. Television and radio offer their content on websites and on special applications and platforms.

77. Inhabitants of Latvia have access to several TV programs in Latvia, as well as regional and local televisions; and it is possible to watch programs from other countries. Large number of radio stations is available in Latvia, both in Latvian and Russian. The printed market is shrinking; three daily newspapers in Latvian are published, several are published also in Russian. The economic crisis in 2007–2009 left serious impact on the media environment, the volume of the advertising market still has not reached the pre-crisis level.

78. Data from international studies[12] indicate low to moderate risk to media diversity in Latvia.

II. General framework for the promotion and protection of Human Rights

A. International human rights norms

79. International law instruments are integral part of the national legal system of Latvia. They are used for the creation and interpretation of the national law and in certain cases international law can be directly applicable. In accordance with the requirements of the *Law on International Agreements of the Republic of Latvia*, the international treaties ratified by the *Saeima* have a higher legal force than the national legal norms, but lower force than the *Satversme* (Constitution). The norms of international law are often used to establish the content of the provisions included in the *Satversme*.

80. Latvia became a member of the United Nations in 1991, and since then has been working closely with various UN bodies, including the Office of the United Nations High Commissioner for Human Rights. In 1991, Latvia re-established its membership in the International Labour Organization, while in 1999 it became a member of the World Trade Organization (WTO). Latvia actively participates in several regional organizations. In 1991 Latvia became a member of the Organization for Security and Co-operation in Europe (OSCE), in 1995, it became a member of the Council of Europe, and in 2004 — a member of the EU and the North Atlantic Treaty Organization (NATO). On 2 June 2016, Latvia signed the agreement on accession to the Organization for Economic Co-operation and Development (OECD).

81. Latvia has acceded to the main UN human rights instruments, and regularly submits reports to the mechanisms monitoring the implementation of these instruments. In 2013, the UN Committee against Torture examined the periodic report of Latvia on the implementation of the 1984 Convention against Torture and Other Cruel, Inhuman or

[11] Ibid.

[12] See *Media Pluralism Monitor 2015*. Available here (in English): http://monitor.cmpf.eui.eu/mpm2015/results/latvia/.

Degrading Treatment or Punishment in Latvia, while in 2014 the UN Human Rights Committee examined periodic report of Latvia on the implementation of 1966 International Covenant on Civil and Political Rights. In January 2016 the UN Committee on the Rights of the Child examined the periodic report of Latvia on the implementation of the 1989 Convention on the Rights of the Child and initial reports on the implementation of two Optional protocols to this Convention — on the fight against the involvement of children in armed conflicts and on the fight against child trafficking, child prostitution and child pornography — in Latvia.

82. Latvia was one of the first countries to issue a standing invitation to the UN Special Procedures in 2001, and since then holders of the UN Special Procedures mandate have visited Latvia four times (in 2004 — the Working Group on arbitrary detention, in 2007 — the Special Rapporteur on the contemporary forms of racism, xenophobia and related intolerance, in 2008 — the Special Rapporteur on child trafficking, prostitution and pornography, in 2012 — the Special Rapporteur on the impact of national external debt and other relevant international financial commitments on the country's ability to fully implement human rights).

83. Latvia continues its initiative to invite countries to maintain close co-operation with special procedures, including by issuing a standing invitation to them.

84. On 19 April 2013, Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966 concerning the abolition of the death penalty. Already since September 1996, a moratorium on the death penalty was established in Latvia, and there have been no death sentences and no executions. On 1 January 2012, amendments to *the Criminal Law* entered into force in order to exclude the death penalty as a form of punishment from *the Criminal Law*.

85. Since 1997 the European Convention for the Protection of Human Rights and Fundamental Freedoms and several of its protocols are binding for Latvia. Latvia has recognized the competence of the ECHR to receive and examine individual complaints. Latvia has also acceded to other regional conventions such as the Framework Convention for the Protection of National Minorities, the Revised European Social Charter, the Council of Europe Convention on Action against Trafficking in Human Beings, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and is subject to monitoring mechanisms for their implementation. On 18 August 2014, Latvia ratified the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (see Appendix No. 1).

86. As an EU member state Latvia is bound by the EU Charter of Fundamental Rights, which entered into force on 1 December 2009. The Charter of Fundamental Rights includes the civil, political, economic and social rights of EU citizens, as well as all of those persons living in the territory of the EU, reflecting Europe's common values and its constitutional heritage. The rights are divided into six major sections (respect, freedom, equality, solidarity, citizens' rights and the rule of law); the seventh section sets out the general conditions. The purpose of the Charter of Fundamental Rights is to protect the fundamental rights of individuals that could be affected by the EU legal acts adopted by the EU institutions and the Member States in the application of EU treaties. Latvia has a duty to directly apply or implement the EU legal acts.

87. Latvia will consider the possibility of joining other international instruments. At the same time, Latvia emphasizes the work of the ECHR and its broad competence in the field of promotion and protection of human rights through accepting and examining individual complaints. Every person has the right to lodge a complaint with the ECHR if he or she considers that Latvia has violated the rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms. ECHR rulings are legally binding, and the respondent state is obliged to take all measures, if necessary, also to amend the regulatory framework, in order to prevent the repetition of identified violations.

88. Latvia has been actively working not only on the national, but also on the international level in order to promote the implementation and protection of human rights. It is attested by Latvia's membership in the UN Economic and Social Council (2011–2013),

in the Executive Council of the UN Entity for Gender Equality and the Empowerment of Women (2013–2015), as well as in the UN Human Rights Council in 2015–2017.

B. Legal framework for protection of human rights at the national level

Provisions of the Satversme (Constitution)

89. Article 1 of the *Satversme* (Constitution) stipulates that Latvia is an independent democratic republic, thus imposing certain requirements on the legal and political system of Latvia. Pursuant to the amendments introduced to the *Satversme* in October of 1998 (the *Satversme* was supplemented by a new Chapter VIII on fundamental human rights, see paragraph 23), the human rights and fundamental freedoms inherent in a democratic, secure and rule-based state were consolidated at the constitutional level for the first time since the renewal of Latvia's independence. Article 89 of the *Satversme* stipulates, "The State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia".

90. The *Satversme* (Constitution) includes a number of rights, the restriction of which is not envisaged, such as equality before the law and the courts (Article 91), the right to life (Article 93), the right to physical integrity of a person and the prohibition of torture (Article 95), etc. The *Satversme* includes the right to free movement (Article 97), the right to freedom of thought, conscience and religion (Article 99), right to education (Article 112), the rights of minorities to preserve and develop their language and their ethnic and cultural identity (Article 114), etc.

91. The possibility of restricting some rights is envisaged in several Articles of the *Satversme* (Constitution), and in particular in Article 116, which is applicable to several rights (the right to respect for private life, home and correspondence (Article 96), the right to freely leave and return to Latvia (Article 98), the right to freedom of expression (Article 100), the right to join associations (Article 102), the right to the freedom of assembly (Article 103), the right to freely choose an occupation (Article 106), the right to a collective bargaining (Article 108).

92. The afore-mentioned provisions of the *Satversme* (Constitution) are very laconic, and their scope and interpretation of the content is specified by the Constitutional Court. Case law of the Constitutional Court confirmed that certain fundamental rights of a person are consolidated not only in Chapter VIII of the *Satversme*, but also in other chapters. For example, in the judgment in the case No. 2002-08-01, the Constitutional Court found that the right to vote and be elected is a fundamental right provided for by the *Satversme*.[13] In its turn, in the judgment in the case No. 2002-02-01 the Constitutional Court indicated, "the right to vote is recognized as the most important political right. In Latvia the right to vote is enshrined in the *Satversme* and specified in certain laws"[14] (the right to vote and to be elected is regulated by Chapter II of the *Satversme*).

93. The Latvian courts, including the Constitutional Court, are the basic elements of the institutional protection of human rights (see paragraph 44 et seq.).

94. Courts are the main authorities of judicial power in the state. Article 3 of *the Law on Judicial Power* states that every person has the right to judicial protection against threats to his or her life, health, personal freedom, honour, reputation, and property. Article 4 of *the Law on Judicial Power* provides that all persons are equal before the law and the court, and they have equal rights to the protection by the law.

[13] Judgment of the Constitutional Court of 23 September 2002 in case No. 2002-08-01. Available here (in English): *http://www.satv.tiesa.gov.lv/wp-content/uploads/2002/06/2002-08-01_Spriedums_ENG.pdf*.

[14] Judgement of the Constitutional Court of 5 March 2003 in the case No. 2002-18-01. Available here (in English): *http://www.satv.tiesa.gov.lv/wp-content/uploads/2002/10/2002-18-01_Spriedums_ENG.pdf*.

95. *The Law on Judicial Power* also stipulates that every person has a guaranteed right to have his or her rights and obligations, or the validity of charges brought against him or her, determined on the basis of complete equality, by an independent and impartial court adjudicating the matter in open hearing and having regard to all the requirements of justice. A court adjudicates irrespective of the origin, social and financial status, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation, place of residence, or the political or other views of a person.

96. National courts identify, recognize, and remedy violations of human rights in all three proceedings, namely, civil proceedings, administrative proceedings and criminal proceedings, as well as during the process of the examination of a constitutional complaint. National courts are to be recognized as an effective domestic remedy, as they are accessible to each person both theoretically and practically, they adjudicate the complaints on the merits, and they provide adequate remedy to the person concerned; moreover, the national courts apply international law in their rulings and analyse its application in the national proceedings. The ECHR in several rulings has expressed its opinion on the effectiveness of the national courts as an effective domestic remedy in specific areas (see paragraphs 100, 106, 114, 119).

Civil proceedings

97. The regulation included in *the Civil Law* and *the Civil Procedure Law* provides for an effective mechanism at the national level for the protection of rights. Every natural person and legal entity has the right to protection of his or her alleged or contested civil rights by bringing a civil action to a court of general jurisdiction for damages. Pursuant to the amendments to *the Civil Law* of 2006, Article 1635 determines that every delict, that is, every wrongful act *per se*, as a result of which harm has been caused (also moral injury), gives the person who suffered the harm the right to claim satisfaction from the infringer, insofar as he or she may be held liable for such act.

98. Article 2352[1] of *the Civil Law* stipulates that each person has the right to bring court action for the retraction of information that injures his or her reputation and dignity, if the disseminator of the information cannot prove that such information is true. If information, which injures a person's reputation and dignity, is published in the press, then where such information is not true, it must also be retracted in the press. If someone unlawfully injures a person's reputation and dignity orally, in writing or by actions, he or she shall provide compensation (financial compensation). A court shall determine the amount of the compensation.

99. *The Civil Law* provides that moral harm is to be understood as physical or mental suffering caused by the infringement by an unauthorised activity of intangible rights or intangible benefits of the victim. The amount of compensation for moral damage is determined by the court at its own discretion, taking into account the severity and consequences of moral damage. For certain categories of cases the law introduces a presumption of moral harm, that is, if an unauthorized act constitutes a criminal offense against a person's life, health, morality, sexual integrity, freedom, honour, dignity, or against a family, or a minor, it is considered that moral damage is caused to the victim as a result of such action. In other cases, the victim has to prove the existence of moral harm.

100. A claim lodged under civil procedure can be recognized as an effective legal remedy in cases of compensation for damage against a person if the initiation of criminal proceedings has been refused or the criminal proceedings against the person have proved ineffective, excessively long or dismissed, or if the application for damages is not satisfied in full during the course of criminal proceedings. A claim submitted in accordance with the civil procedure can provide a real alternative mechanism for protection of the rights of an individual.

101. Amendments were incorporated in *the Civil Procedure Law*, as well as several other legal acts, exempting courts from the adjudication of the civil cases where there is no dispute, thus decreasing the time of adjudication of cases and increasing the efficiency of the courts (see Appendix No. 5). For example, as of February 2011, certain functions of the court were transferred to sworn notaries (dissolution of marriage on a no contestation

basis), but from the beginning of 2012 categories of extra-judicial matters (such as uncontested compulsory execution of obligations, etc.) were transferred into the competence of judges of the Land Registry Offices.

102. Since 31 March 2014, *the Civil Procedure Law* was supplemented with a chapter regarding temporary protection against violence, thus introducing a new civil remedy in the legal system of Latvia. Now the victim can achieve imposing of restrictions on the violent person not only in the criminal proceedings, but also in the civil proceedings, moreover in a simple and quick way. An application for temporary protection against violence may be submitted by spouses or former spouses; persons being in the child and parent relationship, persons being in custody or other out-of-family care, kinship or affinity relationship; persons who reside or have resided in the same household; persons who have or are expecting a common child, regardless of whether they have ever been married or have ever lived together; persons between whom there is or have been close personal or intimate relationship. The enforcement of court judgements is controlled by the State Police. From April 2014 until 20 September 2016, the courts have adopted 3999 decisions on matters relating to temporary protection against violence: in 45% of cases, the national courts have satisfied applications in full, in 15% — partially satisfied, but in 29% of cases the applications have been denied. This regulation of temporary protection against violence is available to all persons irrespective of their origin, social and property status, occupation, citizenship, race and nationality, attitude towards religion, sex, education, language, place of residence and other circumstances.

Criminal proceedings

103. The purpose of *the Criminal Procedure Law*, which entered into force on 1 October 2005, is to establish a procedure for criminal proceedings that ensures effective application of the provisions of *the Criminal Law* and a fair settlement of matters related to criminal law without unjustified interference in a person's life.

104. *The Criminal Procedure Law* provides that criminal proceedings are carried out in compliance with internationally recognized human rights and without imposing unjustified criminal procedural duties or without disproportionate interference into the life of a person. Human rights may be restricted during the criminal proceedings only in cases where considerations of public safety so require, and only in the manner prescribed by law, according to the nature and danger of the crime. No person may be considered guilty within criminal proceedings until their guilt in committing a criminal offence has been established. In accordance with *the Criminal Procedure Law*, no one may be tried or punished again for an offence for which he or she has already been acquitted or punished in Latvia or abroad pursuant to the judgement adopted and in force in the criminal case or administrative violation case.

105. Since 1 October 2005 a position of an investigating judge has been introduced in the criminal proceedings, who, in the cases and in accordance with the procedure set forth by *the Criminal Procedure Law*, controls the observance of human rights in criminal proceedings until initiation of a trial (see paragraph 47).

106. In accordance with Article 14 of *the Criminal Procedure Law*, each person has the right to the completion of criminal proceedings within a reasonable time, that is, without unjustified delay. An official responsible for the proceedings must choose the simplest type of criminal proceedings that complies with the specific situation, and must not allow for unjustified intervention in the life of a person and unfounded expenditures. The failure to observe the reasonable time requirement may be the ground for termination of proceedings in accordance with the procedures laid down in this Law. Taking into account the practice of the courts and institutions of the prosecutor's office of Latvia, the regulation embodied in Article 14 of *the Criminal Procedure Law* (right to complete criminal proceedings within a reasonable time, in case of violation of which the courts could terminate the criminal procedure or reduce the sentence) and Article 49^1 of *the Criminal Law* (if the person's right to the completion of criminal proceedings within a reasonable time has not been complied

with, a court may impose a lower penalty or a lighter sanction) has allowed the ECHR to conclude that the established mechanism is an effective remedy for protecting the rights of an accused to trial of a case in a timely manner.[15] This, in turn, means that the ECHR will not examine the complaints about the excessive length of proceedings on the merits if the person submitting the complaint has not tried to use Article 14 of *the Criminal Procedure Law* at the national level.

107. Article 11 of *the Criminal Procedure Law* stipulates that a person who has the right to defence, a victim and his or her representative, a witness, specialist, expert, auditor, as well as other persons involved in the criminal proceedings, and who does not speak the official language, during the procedural actions may use the language they understand, and to use the assistance of an interpreter free of charge, whose participation is ensured by the official responsible for the proceedings. A person who has the right to defence, if he or she does not have the knowledge of the official language, may use the language the person knows, and during the meeting with the defence counsel use, free of charge, the assistance of an interpreter whose participation is ensured by the official responsible for the proceedings (see paragraph 220).

108. Article 22 of *the Criminal Procedure Law* provides for procedural right for each person, to whom harm has been inflicted by a criminal offence, taking into account the moral injury, physical suffering, and financial loss, to request compensation for moral harm.

Administrative proceedings

109. In the context of general legal remedies, the role of administrative courts should be particularly highlighted. They started their operation on 1 February 2004, *when the Administrative Procedure Law* entered into force. The administrative courts, based on an application by person, exercise control over the lawfulness or effectiveness of an administrative act, issued by an institution, or *de facto* action of an institution within the framework of its discretion. The administrative court ascertains the public legal obligations or rights of an individual and reviews the disputes arising from the public law contract. This is an effective legal remedy available to natural and legal persons, including less protected groups of society. Anyone whose (subjective) rights set by the law have been violated by a public authority, may apply to the administrative court with an application. Administrative courts may grant a compensation for violation of rights.

110. Unlike the courts adjudicating the civil cases and criminal cases, the administrative court, when establishing the circumstances in the case, acts in accordance with the principle of objective investigation. If necessary, it can collect evidence itself, on its own initiative, as well as can give instructions and recommendations to the participants of the administrative proceedings in order to establish the actual circumstances of the case and achieve legal and fair adjudication of the matter within the limits of the claim.

111. It is important to note that for an individual the administrative proceedings in the institution are free of charge, but a person must pay the State fee for submission of an application to the court; the person may be exempted from an obligation to pay the fee in certain cases specified by law. The court itself may decide to reduce the amount of the State fee or fully exempt a person from the obligation to pay the fee.

112. Upon application to the administrative court, a person has the rights set forth in *the Administrative Procedure Law* to request the application of one of the available temporary protection measures, namely, suspension and renewal of the operation of the administrative act and *de facto* action, temporary settlement and immediate enforcement of the judgment.

113. Article 92 of the *Administrative Procedure Law* provides that everyone is entitled to claim due compensation for financial loss or personal harm, including moral harm, which

[15] See, for example, *Trūps v. Latvia* (application No. 58497/08), decision of the ECHR of 20 November 2012; *Pēteris Bērziņš v. Latvia* (application No. 30780/13), decision of the ECHR of 20 May 2014. Available here (in English): *http://hudoc.echr.coe.int*.

has been caused to him or her by an administrative act or an *de facto* action of an institution.

114. The ECHR has recognised the administrative courts of Latvia as an effective (compensatory) domestic remedy in theory and practice, for complaints about conditions of in places of deprivation of liberty,[16] complaints about full body search, failure to provide food, when escorting to a court session, failure to provide with seasonal clothing, refusal to allow an extended meeting[17] and failure to provide health care at places of deprivation of liberty.[18] That, in turn, means that a person is obliged to use this mechanism before submitting a complaint to the ECHR.

Process of examination of a constitutional complaint by the Constitutional Court

115. In the case of violation of fundamental rights provided for by the *Satversme* (Constitution), any person has the right to submit a constitutional complaint regarding the compliance of the laws and the international agreements signed or concluded by Latvia with the *Satversme*, compliance of other regulatory enactments or parts thereof with the legal norms (acts) of higher legal force, and compliance of the Latvian national law with those international agreements concluded by Latvia that are not in conflict with the *Satversme*.

116. The effectiveness of the Constitutional Court as a legal remedy is proved, firstly, by the fact that applications are examined within a relatively short period (approximately 5–11 months). Secondly, the procedure for lodging a constitutional complaint is simple; there is no State fee for lodging an application. Moreover, if the adjudication of a constitutional complaint is of general interest or if the protection of the rights with general legal remedies cannot prevent a significant damage to the person lodging the complaint, the Constitutional Court may decide to consider the complaint before all other legal remedies have been used.

117. A constitutional complaint must contain a legal substantiation, indicating the law by which the rights guaranteed by the *Satversme* (Constitution) are violated. A constitutional complaint may be lodged within six months from entry into force of the decision of the last institution or, if it is not possible to defend the fundamental rights with general legal remedies, within six months from the moment of violation of fundamental rights.

118. The judgment of the Constitutional Court is generally binding. The Constitutional Court may not only annul one of the legal provisions as not in compliance with the *Satversme* (Constitution), but can also decide on changes in the interpretation of a legal provision, without abolishing it.[19]

119. The ECHR has recognized that if the applicant considers that a provision does not comply with the *Satversme* (Constitution) and the protection of such rights is guaranteed by the *Satversme*, lodging an application with the Constitutional Court regarding the incompatibility of the disputed provisions with the *Satversme* is to be considered an effective legal remedy.[20] That means that a person is obliged to use this mechanism before submitting a complaint to the ECHR.

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[16] *Ignats v. Latvia* (application No. 38494/05), decision of the ECHR of 24 September 2013; *Iljins v. Latvia* (application No. 1179/10), decision of the ECHR of 5 November 2013. Available here (in English): *http://hudoc.echr.coe.int*.

[17] *Bannikov v. Latvia* (application No. 19279/03), judgement of the ECHR of 11 June 2013; *Merzaļjevs v. Latvia* (application No. 1088/10), decision of the ECHR of 13 November 2014. Available here (in English): *http://hudoc.echr.coe.int*.

[18] *Antonovs v. Latvia* (application No. 19437/05), decision of the ECHR of 11 February 2014. Available here (in English): *http://hudoc.echr.coe.int*.

[19] See, for example the decision of the Constitutional Court of 11 May 2010 in the case No. 2009-115-01. Available here (in Latvian): *http://www.likumi.lv/doc.php?id=211662&from=off*.

[20] See, for example, *Grišankovs and Grišankova v. Latvia* (application No. 36117/02), decision of the ECHR of 13 February 2003; *Liepājnieks v. Latvia* (application No. 37589/06), decision of the ECHR of 2 November 2010. Available here (in English): *http://hudoc.echr.coe.int*.

On State compensation to victims

120. On 20 June 2006, *the Law on State Compensation to Victims* entered into force. The purpose of this law is to ensure a right to receive a State compensation to a natural person who has been recognised a victim in accordance with the procedures laid down in *the Criminal Procedure Law*. The afore-mentioned law states that the victim is entitled to receive a State compensation for moral harm, physical suffering or property loss resulting from deliberate criminal offense, if the criminal offence caused death of a person, or if the offence has caused severe or moderate physical injuries to the victim, or the victim has been sexually assaulted, or if the victim is a victim of human trafficking, or the victim is infected with human immunodeficiency virus, hepatitis B or C. A victim is entitled to a State compensation even if the perpetrator of a criminal offence or his or her accomplice has not been established, or cannot be held criminally liable.

121. The amount of the compensation to be paid to the victim of a criminal offence is calculated, taking into account the amount of the minimum monthly wage determined at the time when the person was recognised as a victim. The request for the State compensation is reviewed, and the respective decision regarding payment of the compensation or refusal to pay it is taken by the Legal Aid Administration (see paragraph 134). These decisions may be challenged before the Ministry of Justice, whose decision, in its turn, may be appealed to the administrative court.

Law on Compensation of Damages Caused by the State Administration Institutions

122. The purpose of *the Law on Compensation of Damages Caused by State Administration Institutions* of 2005 is to ensure a natural person the right provided for by the *Satversme* (Constitution) and *Administrative Procedure Law* for appropriate compensation for material loss or personal injury, including moral harm, inflicted by an unlawful administrative act or unlawful *de facto* action of a state administration institution. The law contains the provisions for determining the basis and the amount of compensation for loss, as well as stipulates the procedure how an institution evaluates the cases of compensation for loss, adopts a decision on the compensation for loss, and ensures enforcement of compensation for loss.

123. The right to claim compensation is granted to the victim. A victim within the meaning of the *Administrative Procedure Law* is a natural person, who is an addressee of the unlawful administrative act or a third party, as well as a natural person, against whom the unlawful *de facto* action of the institution is directed, or who is directly affected by it. A victim may also be a relative of a natural person, who has died because of an unlawful action of the authority.

On compensation for loss caused by unlawful or unfounded action of the investigation institution, the prosecutor's office or court

124. In accordance with *the Law on Compensation for Loss Caused by Unlawful or Unfounded Action of the Investigation Institution, Prosecutor's Office or Court*, adopted on 29 May 1998, the investigation institution, prosecutor's office or court has an obligation to compensate losses, caused to natural persons because of unlawful or unfounded action in performance of their official duties. The law provides that the legal basis for compensation of losses is: (1) acquitting judgment, irrespective of the grounds for justification; (2) termination of a criminal case on exonerating grounds; (3) the recognition of an administrative arrest as illegal and the termination of administrative proceedings.

125. In accordance with the afore-mentioned law, a person is entitled to claim compensation of losses in the following cases: (1) a criminal sentence has been imposed upon the person and the person has served it; (2) a security measure — detention or house arrest — has been imposed upon the person; (3) the person has been apprehended in accordance with the procedure set forth in *the Criminal Procedure Law*; (4) compulsory measures of a medical nature provided for in *the Criminal Law* were applied to the person; (5) the person is placed against his or her will in a medical treatment institution in accordance with the procedures specified by *the Criminal Procedure Law*; (6) as a defendant in a criminal case, the person has been suspended from office; (7) an

administrative sanction — administrative arrest has been imposed to the person; (8) the person has used legal assistance of a sworn advocate because he or she has been held criminally liable. A person is not entitled to receive a compensation for losses, if it has been proved that during the pre-trial investigation or trial, the person intentionally has assumed the guilt of another person, or has otherwise by deliberate actions caused the losses.

State Inspectorate for Protection of Children's Rights

126. The basic principles of the system for the protection of the rights of children and its operation are regulated by *the Law on the Protection of the Rights of the Child*. The system includes municipal social services, police, educational, medical treatment and social care institutions. The effectiveness of co-operation between the above-mentioned institutions is one of the preconditions for the high quality functioning of the system for protection of the rights of children.

127. State Inspectorate for Protection of Children's Rights is operating under the supervision of the Ministry of Welfare. The duty of the Inspectorate is to monitor the observance of the rights of the children, to provide methodological assistance, as well as to carry out educational and informative activities. The Inspectorate conducts inspections on observance of the rights of the children at the institutions, inspects the case-files of children left without parental care, inspects public establishments for sports and entertainment, and inspects the case-files on children and other persons with restricted legal capacity at the Orphans' and custody courts. The Inspectorate has the authority to review administrative violation cases regarding violation of requirements for protection of the rights of children (physical or emotional violence against a child committed by officials or employees of the institutions and the unlawful involvement of children in events).

128. The Inspectorate also provides methodological assistance and recommendations for the prevention of the established violations of protection of the rights of children, organizes trainings for social care specialists, employees of out-of-family institutions and employees of other state administration and law enforcement institutions regarding specifics of the work with children and in ensuring the personal and pecuniary interests of children etc.

129. In 2012 LVL 586,012 (~ EUR 819,591) were spent on the activities of the Inspectorate from the allocated State funding, LVL 588,943 (~ EUR 837,990) — in 2013, EUR 843,522 — in 2014, and EUR 920,556 in 2015.

Commission on the Rights of the Child

130. Commission on the Rights of the Child is a collegial advisory body with the purpose to promote the implementation of the UN Convention on the Rights of the Child 1989 and the concluding Observations of the UN Committee on the Rights of the Child in Latvia. The Committee was established by an order of the Minister for Welfare in 2013. The Committee consists of several ministers, the Representative of Latvia before international human rights institutions from the Ministry of Foreign Affairs, the Ombudsperson, as well as representatives of several NGOs. The Committee meets at least once a year. Currently, the responsible authorities are discussing the possible improvements in order to increase the efficiency of the committee.

Orphans' and Custody Courts

131. Orphans' and custody court is a guardianship and trusteeship institution established by a municipality or city local government, which as a matter of priority guarantees the protection of the rights and legal interests of a child or a person under the guardianship. The duty of the Orphans' and custody court is to provide the child with out-of-family care at a guardian or a foster family, and only if this is not possible — at a care institution. There are currently 132 Orphans' and custody courts operating in the territory of Latvia. The activities of the Orphans' and custody courts are regulated by the new *Law on Orphans' and Custody Courts*, which entered into force in 2007.

132. The procedures of the decision-making at the Orphans' and custody courts and the organization of work are aimed at the maximum protection and ensuring of the rights and interests of the child. Decisions made by the Orphans' and custody court enter into force

and are enforceable without delay; a person may appeal them before the administrative court. Submission of an application to a court does not suspend the operation of a decision adopted by the Orphans' and custody court.

Legal Aid Administration

133. Since 2006, the Legal Aid Administration is operating in the subordination to the Ministry of Justice. The Legal Aid Administration is responsible for allocating and ensuring legal aid (following an application from a person, it adopts the respective decision) for out-of-court and court proceedings in civil cases and certain administrative cases (for example, in asylum cases and in other cases set forth by the law), as well as in particular focusing on providing assistance to certain groups of persons (such as persons with low income or poor persons). With regard to criminal proceedings, another mechanism exists for providing legal aid, namely, the official responsible for the criminal proceedings (police, prosecutor's office, court) in cases and according to the procedure stipulated by *the Criminal Procedure Law*, if criteria set by the law exist, is responsible for inviting a defence counsel or representative to provide legal aid to the person. In such a case, the Legal Aid Administration pays for the legal aid provided.

134. On the basis of *the Law on State Compensation to Victims*, the Legal Aid Administration decides on the payment of the State compensation to the victims of deliberate criminal offences (see in Appendix No. 5), as well as provides informative support to the victims of criminal offences.

135. In 2002–2015, EUR 255,717.41 were allocated for operation of the Legal Aid Administration.

Health Inspectorate

136. The Health Inspectorate is an institution subordinate to the Ministry of Health, and its activities are as follows: control of medical institutions; monitoring and control of the availability of health care services and supervision and control of the use of State budget funds; control of healthcare quality and expert-examination of capacity for work; maintenance of the register of medical institutions, medical practitioners and medical support persons; control of the pharmaceutical, veterinary pharmaceutical companies and circulation of medical products; control of the subjects of increased risk; monitoring of environmental factors affecting the health of inhabitants; supervision of chemical substances, cosmetic products of chemical mixtures, tobacco products, electronic cigarettes in the Latvian market; supervision of distribution and use of medical devices.

137. When encountering difficulties regarding the quality of the medical care and of expert-examination of incapacity for work (for example, the quality of health care in a health care institution, the quality of health care in prisons), every person has the right to submit an application to the Health Inspectorate. When examining the applications about the quality of healthcare and expert-examination of incapacity for work, the Health Inspectorate evaluates the medical documentation, receives explanations from the medical practitioners, if necessary, visits the medical treatment institution or place of imprisonment, and gives an opinion. The Health Inspectorate informs the applicant about the decision taken. The applicant has the right to dispute the decision of the Health Inspectorate before the head of the institution, but afterwards to appeal to the administrative court.

138. In accordance with its competence, the Health Inspectorate examines applications on the availability and payment for health care services; compliance with hygiene requirements in high-risk objects, quality of drinking water and environmental factors; the conformity of chemicals, chemical mixtures, cosmetic products, tobacco products, electronic cigarettes available on the market with the requirements specified by regulatory enactments; the compliance with the distribution and use of medical devices. During the examination of such applications, if needed, laboratory tests are conducted.

139. In 2004–2016, EUR 46.17 million were allocated for the operation of the Health Inspectorate (established in 2007, upon restructuring and merging three direct administration institutions under the direct supervision of the Ministry of Health — Health

Case and Capacity for Work Expert-Examination Control Inspectorate, State Pharmacy Inspection and the State Sanitary Inspection).

Medical Treatment Risk Fund

140. Since 25 October 2013, when the Medical Treatment Risk Fund administered by the National Health Service, commenced its operation, there is a possibility in Latvia in an out-of-court procedure to receive a compensation for harm caused to life or health of a patient during the health care process. Namely, the fund provides the patient with an opportunity to receive compensation for harm (including moral harm) caused to his or her life or health, as well as for the expenses related to the medical treatment, if it was necessary in order to prevent or reduce such harm. The claim for compensation has to be submitted within two years from the date of detection of the harm, but not later than within three years from the date when it was caused. The maximum amount of compensation for a harm caused to life or health of a patient is EUR 142,290.

141. Between 2013 and the end of 2016, 499 persons applied to the National Health Service with claims to compensate for harm caused to life or health during the medical treatment process (see Appendix No. 3). In 119 cases it was decided to award compensations in the total amount of EUR 2,795,250.09. The existence or non-existence of harm to life or health, its consequences and amount, as well as the relation between medical expenses and elimination of consequences of the harm caused to the patient, is assessed during the independent expert-examination performed by the Health Inspectorate.

Gender Equality Committee

142. In 2010, pursuant to the order of the Minister for Welfare, the Gender Equality Committee was established, which is a coordinating institution in the field of gender equality and contributes to the co-operation and participation of ministries, NGOs, social partners, local authorities and other stakeholders. The purpose of the Committee is to promote the implementation, supervision and improvement of the gender equality policies. The Committee consists of representatives of both, the State and NGOs, as well as social partners. Measures implemented by various sectors from the perspective of gender equality are reviewed during the meetings of the Gender Equality Committee, for example, reconciliation of work and family life, domestic violence and prevention of violence against women, health and education, as well as current EU and international issues. During the meetings of the Committee, the current events related to the regular session of the Commission on the Status of Women of the UN Economic and Social Council and international issues related to human rights conventions are also examined.

Civil society

143. In accordance with the *State Administration Structure Law*, adopted in 2002, public authorities must ensure the involvement of representatives of society, by including them in their working groups, advisory councils or in the procedure of obtaining expert opinions. Both, the *Saeima* as well as the government, have established close cooperation with NGOs.

144. The National Tripartite Co-operation Council operates in Latvia, with participation of representatives of the Government, the Employers' Confederation of Latvia and the Free Trade Union Confederation of Latvia. State administration authority is obliged to hold a public discussion for taking decisions of significant importance for society. The society is informed about the development of the planning documents and draft laws, and the participation of NGOs and social partnership organizations is ensured in the process of elaboration of these projects. It is the responsibility of the local government to hold a public discussion regarding amending of the boundary of the local administrative territory and regarding the development program and spatial plan of the local government. Pursuant to the initiative of the local inhabitants, the council or its chairperson, public discussion on the issues of autonomous competence of the local government can be organized for advisory purposes. Everyone has the right to express his or her opinion, orally and in writing, on issue of public debate.

145. The *Satversme* (Constitution) guarantees the right of every person to apply to the state and local government institutions with submissions in the manner prescribed by law and receive a substantive reply. The *Law on Submissions* defines the right of a person to dispute and appeal the issued administrative act or the *de facto* action of the institution, if the institution fails to respond to the submission, fails to respond within the set deadline or in accordance with the procedure specified in the law, or if the submission is left without proceeding, or the institution otherwise refuses to reply to it. *Freedom of Information Law*, adopted in 1998, stipulates that natural persons have the right to request for information at the institution at the disposal of that institution or which the institution has an obligation to create.

146. No less than 10,000 citizens of Latvia not younger than 16, may apply to the *Saeima* with a collective submission, which includes a claim to the *Saeima*. Signatures for the collective submission may also be collected electronically, if the identification of signatories and personal data protection are ensured. The *Saeima* accepts and examines the collective submission, in accordance with the *Saeima* Rules of Procedure.

C. Framework for the promotion of human rights at the national level

147. The Human Rights and Public Affairs Committee of the *Saeima* examines the issues and draft laws related to human rights and social integration processes. This Committee supervises a wide range of issues, such as the activities of public media, the activities of religious organizations, situation of convicted persons in places of imprisonment, the promotion of gender equality, combating trafficking in human beings and prevention of violence in educational institutions. Issues related to human rights are also reviewed by other committees of the *Saeima*.

148. The Human Rights and Public Affairs Committee of the *Saeima* also organizes meetings that are dedicated to the review of Latvia's national reports on the implementation of the core UN human rights conventions. During the meetings, members of the institutions invited and the committee discuss the content of Latvia's reports, discuss the most topical issues in the area of human rights, and the content of the Concluding Observations adopted by the UN treaty bodies, and their implementation. For example, on 1 June 2016 the Social Affairs and Employment Matters Committee and the Human Rights and Public Affairs Committee of the *Saeima* discussed the periodic report of the Republic of Latvia to the UN Committee on the Rights of the Child and implementation of the recommendations contained to in the Concluding Observations of the Committee.

149. The *Saeima* is actively involved in the work of regional organizations. Delegation of the *Saeima* regularly participates in the work of the Parliamentary Assembly of the Council of Europe, which seeks to strengthen Europe's common values in such areas as human rights, democracy and the rule of law, by providing recommendations, opinions, adopting resolutions and conventions.

150. In 2007, a group of female deputies of the *Saeima*, where almost all female deputies of the *Saeima* participate, was established for cooperation with female parliamentarians from other countries. The key areas of activities of the group of deputies are to broaden cooperation with women in parliaments of other countries, to establish a dialogue with NGOs and to raise awareness of the issues of equality in society.

151. When developing draft laws, the responsible authorities are constantly analysing and taking into account the international law instruments, the case law of international tribunals and out-of-court mechanisms. When developing draft laws, information is gathered on the range of issues that affect the area of the respective draft law, including the requirements of international law instruments and the guidelines issued by the treaty monitoring mechanism. In accordance with the Instruction No. 19 of the Cabinet of Ministers "*Procedure of the Initial Impact Assessment of a Draft Legal Act*", adopted on 15 December 2009, the results of the evaluation and analysis of international commitments are reflected in a detailed manner in the initial impact assessment report or annotation, indicating the legal acts to be assessed, the views, conclusions and rulings of the international institutions. Before approval of legal acts by the Cabinet of Ministers, the

representative of Latvia before international human rights institutions of the Ministry of Foreign Affairs, the Ombudsperson and NGOs have the right to express their views within the framework of the harmonization process of the legal act. The compliance of the draft legal act with international obligations in the area of human rights is also analysed in detail by the responsible committees of the *Saeima*, for example, by the Human Rights and Public Affairs Committee.

152. Under the auspices of the Ministry of Justice, there are several standing working groups that discuss current issues in civil proceedings, criminal proceedings, administrative proceedings, administrative violation proceedings and other areas of justice. The standing working group on the assessment of ECHR judgments against Latvia is also actively operating. It analyses the content of judgments adopted against Latvia, as well as evaluates and, if necessary, initiates the improvement of a relevant national legal act as soon as possible. This working group also assesses which additional measures need to be implemented at the national level in order to prevent similar violations in the future.

153. Finally, the case law of the ECHR against Latvia and other countries, the guidelines issued by the UN treaty bodies, opinions adopted by the UN treaty bodies are also used in national legal proceedings.

154. In order to ensure that any person can exercise the rights provided for in Article 90 of the *Satversme* (Constitution),[21] the UN human rights treaties that are binding for Latvia are translated and made available to public. Whenever Latvia concludes an international agreement, the text of the agreement is translated into Latvian and published in the official gazette *Latvijas Vēstnesis* as well as on the website *www.likumi.lv*. It is a website maintained by the official publisher *Latvijas Vēstnesis* and it provides free access to the systematized legal acts of the Republic of Latvia, the latest information on them, as well as their amendments.

155. National reports of the Republic of Latvia on the implementation of the UN human rights conventions are published on the website of the Ministry of Foreign Affairs, in the section on the activities of the representative of Latvia before international human rights institutions (see paragraph 173). National policy planning documents related to the implementation of obligations stemming from the UN human rights conventions are available on the website of the coordinating institution of the respective convention.[22]

156. Database of translations of ECHR judgements in cases against Latvia is available on the Latvia's courts portal *www.tiesas.lv*, as well as on the website of the Supreme Court. Furthermore, views of the UN Human Rights Committee in cases against Latvia are also available in the Latvian on the website of the Supreme Court.[23]

157. National reports of the Republic of Latvia on the implementation of the UN Conventions on Human Rights in Latvia and their translations are published on the website of the Ministry of Foreign Affairs and the responsible ministry. The translations of the Concluding Observations of the UN treaty bodies are also published in Latvian on the website of the Ministry of Foreign Affairs and the responsible ministry. Similarly, before and after each dialogue with the relevant UN committee, during which the periodic national report is examined, the Ministry of Foreign Affairs and the responsible authority prepare and publish a press release informing the public about the course of the dialogue, composition of the national delegation, the issues discussed during the dialogue etc.

158. Annual reports of the representative of Latvia before international human rights institutions on representing the interests of Latvia before the ECHR and UN treaty bodies

[21] Article 90 of the *Satversme* (Constitution) stipulates: "everyone has the right to know about his or her rights". The *Satversme* of the Republic of Latvia, adopted on 15 February 1922, which entered into force on 17 November 1922, *Latvijas Vēstnesis*, 43, 1 July 1993. Available here (in Latvian and English): *http://likumi.lv/doc.php?id=57980*.

[22] For example, there is information available on the website of the Ministry of Welfare (*www.lm.gov.lv*) that is related to the implementation of the UN Convention on the Rights of Persons with Disabilities in Latvia.

[23] Available here (in Latvian): *http://at.gov.lv/lv/judikatura/ano-nolemumi/*.

are also published on the website of the Ministry of Foreign Affairs. Annual reports contain information on the views adopted by the UN Human Rights Committee in cases against Latvia, if any, on ECHR judgements in cases against Latvia, providing a brief outline of the facts and conclusions of the case.[24]

159. State administration and law enforcement institutions regularly organize awareness campaigns for various target groups in mass media. For example, in the field of protection of the rights of children, state administration institutions in cooperation with NGOs organize educational and training events for parents on the development and upbringing of a child, safe and healthy environment for a child and other areas. Various public information activities are organized with the purpose to improve understanding on the gender equality.

160. Extensive information on the international agreements and other related documents, as well as their translation into Latvian are available on the website of the Ombudsperson's Office.[25]

161. The NGOs of Latvia also take an active part in informing the public about the issues affecting human rights and the relevant international standards. For example, the work of the association "Resource Centre ZELDA" has become as an example of good practice, the purpose of which is to promote compliance with the rights of persons with mental disorders and protection of their interests. "Resource Centre ZELDA" conducts research, analysis of policy in the area of protection of the rights of persons with mental disorders, provides free legal advice to inhabitants, educates various public groups (for example, employees of the state administration authorities, specialists of mental health/social care institutions, judges, representatives of other NGOs, persons with mental disorders), as well as translates ECHR judgements relevant for the area of its work. In its turn, the society "Resource Centre Marta" provides professional assistance and support to women in crisis by offering to the women consultations of a social worker, a psychologist, a psychotherapist, a lawyer and other specialists.

Educational and informative measures in the area of human rights

162. In order to ensure regular raise of qualification and improvement of knowledge about human rights issues and content and scope of international conventions, various educational and informative measures were organized systematically for employees of the responsible state administration institutions, officials of the judicial system and persons belonging to the judicial system.

163. The human rights questions are included in the education programmes for employees of the state administration institutions, including the State Police College and the State Border Guard College, as well as in the professional development programmes of the State Police. Such issues as the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the prevention of trafficking in human beings, the psychological and legal aspects of the action of the officials of police in cases of sexual violence, domestic violence etc. are discussed within the framework of the programmes. In 2015, the State Police College approved informal education program for adults "Legal and practical aspects of the activities of the officials with special service ranks of the places for temporary detention of the State Police", within the framework of which 27 officials were trained in 2016.

164. Regular trainings and workshops are also organized for officials of the Prison Administration and the Office of Citizenship and Migration Affairs. Particular attention is paid to the training of professionals on the specifics of work with minor persons in the place of imprisonment, children, who have suffered from unlawful activities, asylum seekers and other issues. Trainings for experts are often organized in cooperation with NGOs and the Ombudsperson's Office. Attention is paid to the training and professional

[24] Available here (in Latvian): *http://www.mfa.gov.lv/ministrija/latvijas-parstavis-starptautiskajas-cilvektiesibu-institucijas/darba-parskati*.

[25] Available here (in Latvian): *http://www.tiesibsargs.lv/tiesibu-akti/ano-dokumenti*.

development programs for employees of the Office of Citizenship and Migration Affairs and the State Border Guard, for example, for improving interviewing methods and foreign language skills.

165. Since 1995, the Latvian Judicial Training Centre has been operating in Latvia, providing further education and measures of professional development for judges and judicial staff, public prosecutors and sworn advocates. The objective of the Latvian Judicial Training Centre is to increase the quality of court judgments and to train professionals for high quality work in the judicial system. Regular trainings are organized on the topics of human rights, for example, in 2015 trainings were offered to judges on the application of human rights in criminal proceedings, administrative proceedings, civil proceedings, on the right of children and other issues. In 2016, judges and judge candidates were also trained on issues regarding the right to liberty and security, as well as practice in deciding on detention and the right to a fair trial.

166. Issues related to observance with human rights — tolerance, non-discrimination, ethnic diversity, gender equality — are integrated into the content of the standard subjects and examples for subjects of several primary and general secondary education programmes. The teaching materials also include topics related to awareness and prevention of the risk of human trafficking, as well as fictitious marriages.

167. The content of the syllabus for the general education subject "Social Sciences", "Politics and Law" includes issues in relation to the 1989 UN Convention on the Rights of the Child. For example, when learning the subject "Social Science", a student learns to be tolerant towards the different; knows and uses in practice the possibilities of civic participation in the events of the school, at the local and national level; understands that people have different religious, political and other beliefs; is tolerant towards the views of minorities; accepts and respects other members of the group. The content of the general education subject "Politics and Law" and "Ethics" is supplemented for similar purpose, namely, the issues of participation, rights and obligations of a student are included in the compulsory content of the studies. Such topics of general secondary education as reproductive health, prevention of unwanted pregnancy and sexually transmitted diseases, sexuality and sexual relations, are also included in the standard of the mandatory subject "Health Study".

168. Employees of the Ombudsperson's Office regularly provide advice, orally and in writing, to individuals on applying to the ECHR and UN mechanisms for protection of human rights. The Ombudsman's annual reports include an overview of the implementation in Latvia of the rights guaranteed by the UN human rights conventions.

Promoting human rights globally in the context of development cooperation

169. Latvia contributes to the budgets of the UN High Commissioner for Refugees and the UN High Commissioner for Human Rights. Specific contributions are made in order to provide assistance in emergencies, such as the war in Syria and Ukraine. Contribution strengthens the image of Latvia as a trusted partner and donor country, as well as ensures Latvia's support for the promotion of human rights at international level (see Appendix No. 3).

170. The objective of the Latvia's development cooperation policy is to contribute to the implementation of the 2030 UN Agenda for Sustainable Development in developing countries, in particular in the priority partnership countries of Latvia, in promoting sustainable development and poverty eradication, the rule of law and good governance (see Appendix No. 3).

171. In the context of the development cooperation, Latvia is working in the EU Eastern Partnership countries and Central Asian countries, focusing on the following areas of cooperation: development of public administration and capacity building, business development and strengthening of export capacity, governance and reform of public security structures, promotion of democratic participation and development of civil society, and education.

172. Latvia emphasizes the implementation and promotion of human rights as a leading horizontal principle for planning and implementation of the development cooperation policy, including the implementation of a human rights-based approach. In general, Latvia emphasizes the integration of democracy, good governance, gender equality and environmental sustainability as well as climate issues in the development cooperation policy and foreign policy.

D. Reporting process at the national level

173. In accordance with the Regulation of the Cabinet of Ministers No. 121 *"Procedure for Representation in International Human Rights Institutions"*, adopted on 7 March 2017, the representative of Latvia before international human rights institutions of the Ministry of Foreign Affairs ensures the representation of the interests of Latvia before the ECHR and the UN treaty bodies. The representative of Latvia before international human rights institutions also prepares national reports on the implementation of the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 UN Convention on Elimination of all Forms of Discrimination Against Women, the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1989 UN Convention on the Rights of the Child.

174. The national reports on the implementation of the Optional Protocols to the 1989 UN Convention on the Rights of the Child are prepared by the Ministry of Welfare (Optional Protocol on the Involvement of Children in Armed Conflicts) and the Ministry of the Interior (Optional Protocol to Combat Child Trafficking, Child Prostitution and Child Pornography). In its turn, the National Report on the implementation of the 2006 UN Convention on the Rights of Persons with Disabilities is prepared by the Ministry of Welfare.

175. When drafting a national report, the representative of Latvia before the international human rights institutions takes into account the requirements of the relevant UN guidelines for the content and form of the report. Information on the implementation of a specific UN convention in Latvia is compiled in cooperation with the responsible sectoral institutions and submitted for approval to the Cabinet of Ministers. Furthermore, the representative of Latvia before international human rights institutions ensures the translation of national reports into one of the UN official working languages and their submission to the UN, as well as participates in the formation of the national delegation for examination of the national report by the UN.

176. It should be emphasized that NGOs, the Ombudsperson, as well as specialized committees are involved in the preparation of national reports. Comments received from NGOs are reflected in the text of the national report. In addition, NGOs are informed about the possibility of submitting an alternative report. The national report also reflects the work of the Ombudsperson's Office in relation to the implementation of the specific UN convention. Specially established committees also participate in the preparation of the national report, for example, the Commission on the Rights of the Child (see paragraph 130) examines the national report on the implementation of the 1989 UN Convention on the Rights of the Child, as well as assesses the Concluding Observations of the UN Committee on the Rights of the Child.

III. Measures for the elimination of discrimination and promotion of gender equality; domestic remedies

Non-discrimination

177. The regulatory framework in force in Latvia, and international commitments that Latvia has undertaken stipulate that human rights in Latvia are ensured without any discrimination.

178. The equality of all persons living in Latvia before the law and the court and enjoyment of their rights without any discrimination is guaranteed by the *Satversme* (Constitution). Article 91 of the *Satversme* stipulates, "All human beings in Latvia shall be equal before the law and the courts. Human rights shall be enjoyed without discrimination of any kind." The above-mentioned Article of the *Satversme* is to be interpreted in accordance with the international agreements binding to Latvia. Therefore, it can be concluded that the prohibition of discrimination contained in Article 91 of the *Satversme* also reflects the relevant international legal framework.

179. The provisions on the prohibition of discrimination and difference in treatment are also included in the laws of specific sectors. For example, *the Labour Law* stipulates that everyone has equal rights to work, and fair, safe and healthy working conditions, as well as fair labour payment. These rights must be guaranteed without any direct or indirect discrimination, regardless of race, colour, gender, age, and disability, religious, political or other belief, national or social origin, property or marital status, sexual orientation or other circumstances.

180. *The Law on the Rights of Patients* prescribes that in ensuring the patient's right, difference in treatment depending on the person s race, ethnic origin, colour, gender, age, disability, state of health, religion, political or other opinion, national or social origin, property or marital status or other circumstances is prohibited. A difference in treatment includes direct or indirect discrimination against a person, offence against a person or an instruction to discriminate.

181. Furthermore, the provisions on non-discrimination and prohibition for difference in treatment are incorporated in *the Law on Social Security*, *the Ombudsperson's Law*, *the Association and Foundation Law*, *Administrative Violations Code*, *the Criminal Law*, *the Consumer Rights Protection Law*, *the Education Law*, *the Law on the Prohibition of the Discrimination of Natural Persons Performing Economic Activities, Support for Unemployed Persons and Persons Seeking Employment Law*, *the Advertising Law* and other legal acts.

182. Article 9 of *the Civil Procedure Law* stipulates that the parties have equal procedural rights and a court ensures that the parties have equal opportunities to exercise their rights for the protection of their interests.

183. The general principles defined in *the Administrative Procedure Law* include the principle of respect for the rights of natural persons. The principle of equality prescribes that, in the same factual and legal circumstances, an institution and a court adopts identical decisions (different factual or legal circumstances — different decisions) irrespective of the gender, age, race, colour, language, religion or nationality of the participants of the administrative proceeding, political or other opinion, social origin, nationality, educational, social and property status, occupation and other factors.

184. One of the general principles of *the Criminal Procedure Law* provides for a unified procedural procedure for all persons involved in criminal proceedings, regardless of their origin, social and property status, occupation, citizenship, race and nationality, attitudes to religion, sex, education, language, residence and other conditions.

185. *The Sentence Execution Code* stipulates that when executing any form of a criminal punishment, discrimination of convicted persons based on racial, ethnic, linguistic, gender, social and property status, political opinions, religious beliefs and other criteria is not allowed. All convicts are equal before the law.

186. The State envisages for both, administrative liability and criminal liability, for violation of the prohibition of discrimination. Namely, *the Code of Administrative Offences* envisages for liability for the violation of the prohibition of discrimination stipulated by regulatory enactments. *The Criminal Law* provides for criminal liability for activities aimed at inciting national, ethnic, racial or religious hatred or intolerance (Article 78 of *the Criminal Law*) and acts aimed at inciting hatred or enmity because of the gender, age, disability of a person or any other characteristics, if substantial harm has been caused thereby (Article 150 of *the Criminal Law*) and discrimination based on race, national, ethnic or religious affiliation or violation of another kind of discrimination, if it causes

material harm (Article 149[1] of *the Criminal Law*). A more severe penalty is imposed for these criminal offences if committed by a public official or an employee of the company (or business enterprise) or organization, or a group of persons, or if committed by using an automated data processing system. A motive related to racial, national, ethnic or religious bias has been recognized in *the Criminal Law* as an aggravating circumstance (Article 48 (1) (14) of *the Criminal Law*).

187. The content of the principle of the prohibition of discrimination has been elaborated on in the case law of the Constitutional Court. The Constitutional Court has recognized that the objective of the principle of the prohibition of discrimination integrated in the *Satversme* (Constitution) is to prevent a possibility that the fundamental rights of a person are restricted based on any inadmissible criterion, such as race, ethnicity or gender in a democratic and law-governed country.[26] The principle of equality precludes state institutions from issuing the norms, which without any reasonable grounds, allow different treatment of persons who are in equal and certain conditions in comparable circumstances. The principle of equality allows and even requires a different treatment for persons who are in different circumstances and allows different treatment of persons in equal conditions if they have an objective and reasonable basis. A difference in treatment is not impartial and reasonable if it does not have a legitimate purpose or if there is a disproportionate relationship between the chosen means and the goals set.[27]

188. Promotion of equal treatment and the prevention of all forms of discrimination are an important part of the scope of the Ombudsperson's Office. The Ombudsperson assists the victims of discrimination by examining individual complaints about the violation of the prohibition of discrimination or of equal treatment by state institutions, natural or legal persons, by providing legal advice and representing persons before the court, as well as by promoting conciliation between the parties to the dispute. From 2011 to 2016, the Ombudsperson's Office has implemented a number of measures to inform about non-discrimination. For example, the Ombudsperson's opinions and views were published in the media, public polls about cases of violation of the prohibition of discrimination were held, and educational activities of public and state employees took place. The Ombudsperson's Office has also conducted several studies and prepared reports on non-discrimination issues, and actively participates in public discussions, providing an opinion on the processes important for the public in relation to the matters of legal equality.

Society integration. Promotion of the rights of persons belonging to national minorities

189. The *Satversme* (Constitution) stipulates, "Persons belonging to ethnic minorities have the right to preserve and develop their language, ethnic and cultural peculiarities". The society of Latvia comprises representatives of more than 150 ethnicities. Minorities and their culture is an integral and important part of the society and cultural space of Latvia. Latvia's integration policy fully ensures the protection of the rights of minorities and respect for their culture, language and traditions. The Government continues to make a significant practical contribution to minority education, culture and other fields in order to strengthen the identity of minorities living in Latvia, as well as to ensure the involvement of representatives of minorities in the process of policy-making and decision-making.

190. *Guidelines on National Identity, Civil Society and Integration Policy* (2012–2018) emphasize the importance of preserving the uniqueness of a minority. The plan for implementation of *the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018)* for the period up to 2016 was approved in 2015, and it envisages developing of civic education, strengthening traditional and non-traditional forms of civic participation, as well as promoting the integration of socially excluded groups and preventing their discrimination.

[26] Judgement of the Constitutional Court of 29 December 2008 in the case No. 2008-37-037, Paragraph 6. Available here: *http://www.satv.tiesa.gov.lv/cases/*.

[27] Judgement of the Constitutional Court of 2 February 2010 in the case No. 2009-46-01, Paragraph 7. Available here: *http://www.satv.tiesa.gov.lv/cases/*.

191. In accordance with *the Law on the Free Development of Latvia's National and Ethnic Groups and the Right to Cultural Autonomy*, all permanent residents of Latvia are guaranteed the right to establish their national societies, their unions and associations. The State has an obligation to promote their activities and assist with material needs.

192. The State finances minority education programs in seven languages: Russian, Polish, Belarusian, Ukrainian, Estonian, Lithuanian and Hebrew. In the 2014–2015 academic year, 106 educational institutions that implement minority education programs received the State funding (including 99 schools that are implementing educational programs in Russian and in the bilingual form, 4 in Polish and in the bilingual form, 1 in Ukrainian and in the bilingual form, 1 in Belarusian and in the bilingual form, 2 in the Jewish, 1 in Latvian and Lithuanian, 1 in Latvian and Estonian), and 75 two-stream schools (Latvian and minority language programs). In the 2015–2016 academic year, 103 educational institutions that implement minority education programs received the State funding (including 94 schools that are implementing educational programs in Russian and in the bilingual form, 4 in Polish and in the bilingual form, 1 in Ukrainian and in the bilingual form, 1 in Belarusian and in the bilingual form, 2 in the Jewish, 1 in Latvian and Lithuanian, 1 in Latvian and Estonian), and 60 two-stream schools (Latvian and minority language programs).

193. When passing the State examinations on the acquisition of the basic education, a student has the right to choose the language of the examination material — Latvian or Russian. In the State examinations on the general secondary education, the language of the examination materials is the official language. In 2014–2015, professional development workshops were organized for methodologists of minority pre-school educational institutions on the implementation of the bilingual approach at the pre-school level.

194. Many minority education institutions of Latvia cooperate with the Governments and educational institutions of the respective States, and receive various literature and teaching materials to improve the educational process. For example, the Republic of Poland cooperates very closely with Latvia and supports the Polish schools in Latvia.

195. One of the tasks mentioned in *the Education Development Guidelines 2014–2020* of Latvia is to promote the development of a multilingual personality both through the acquisition of foreign languages as well as by promoting the acquisition of the mother tongue and the official language. Latvia has the second highest rate of multilingualism in the EU.

196. Under the guidance of the Ministry of Culture, a set of national policy measures for integration of Roma was developed in 2011, which is included in *the Guidelines for National Identity, Civil Society and Integration Policy (2012–2018)*. Particular attention is paid to the education of Roma children by developing the practice of Roma teacher assistants in the pre-schools and general education schools, as well as activities for integration and participation of Roma in Latvia, facilitating cooperation between the Roma community and local government/s, and or social partners, and developing intercultural dialogue. In addition to the activities of the Advisory Council for Implementation of the Roma Integration Policy (see paragraph 73), a network of regional experts on the issues of Roma integration was established in 2014 with the aim of promoting the regular exchange of information and experience among the specialists of local government on the issues of Roma integration and developing cooperation between the Ministry of Culture, local institutions and the Roma community for more efficient implementation of policies for Roma inclusion. Experts from 15 city and local governments of Latvia participate in the network. The Ministry of Culture regularly provides support from the State budget for the implementation of integration initiatives of Roma NGOs at the regional level within the framework of the open competition of projects.

197. According to the results of the study "Roma in Latvia" conducted in 2015, the Roma are to be considered as a group of people at risk of poverty, who are discriminated in the labour market and whose employment opportunities are not equal with those of other nationalities due to their low educational and socio-economic status.

198. Since 2016, the Ministry of Culture implements the project *Latvian Roma Platform I: Dialogue, Cooperation and Involvement* to promote cooperation and dialogue between the civil society of Roma, representatives of the State and local government institutions and

social partners, to ensure more effective participation of the persons involved and better coordination of the Roma integration policy. Several Latvia's Roma activists are involved in the implementation of the project.

199. Since 2015, the Ministry of Culture, in co-operation with the Latvian Centre for Human Rights, is implementing various activities aimed at promoting tolerance of society and reducing the negative stereotypes towards the Roma, as well as promoting the culture of Roma.

Acquisition of citizenship and naturalization

200. After renewal of Latvia's independence based on the principle of legal continuity, the Supreme Council adopted a decision on 15 October 1991 on the renewal of citizenship for those inhabitants of Latvia who had it on the day of Latvia's occupation, namely, on 17 June 1940, and their descendants, regardless of their ethnicity. Based on this principle, a new *Citizenship Law* was adopted in 1994. In 1998, *the Citizenship Law* was amended in a referendum to facilitate the acquisition of the citizenship through naturalization.

201. In parallel with the status of a citizen of Latvia, a status of a non-citizen of Latvia was established in 1995 as a special temporary status for citizens of the former USSR, living in the Republic of Latvia, and their descendants, who do not have the citizenship of Latvia or another state. Non-citizens of Latvia are not stateless persons within the meaning of the 1954 Convention Relating to the Status of Stateless Persons, since the scope of the rights of non-citizens is much wider and Latvia has undertaken specific commitments with regards to these persons — it guarantees *ex lege* rights of permanent residence in Latvia, consular protection abroad, as well as the right to return to Latvia and not be expelled from Latvia. Non-citizens enjoy the majority of the rights guaranteed to the citizens of Latvia. Any non-citizen has the right to naturalize and Latvia has created all prerequisites for persons, who were identified as non-citizens, to be motivated to acquire Latvian citizenship and to be able to do so.

202. Latvia has made a significant progress in promoting the naturalization process by reducing the number of non-citizens from 29% (730,000) in 1995 to 11.75% (252,017) in January 2016 (see Appendix No. 2).

203. In the area of promotion of integration of society and naturalization, the Government of Latvia continues to implement consistent policy, both by inviting non-citizens to apply for naturalization, as well as by adopting legislation to ease further the naturalization process and carrying out informative campaigns. The naturalization process has been simplified on several occasions, considering the applicable international standards. The Office of Citizenship and Migration Affairs, which determines the status of persons in the country, regularly takes various informative and educational measures, informing about the procedure for naturalization.

204. With the amendments to *the Citizenship Law*, which were adopted by the *Saeima* on 9 May 2013, the procedure for granting citizenship was simplified. For example, children of non-citizens and stateless persons are recognized as citizens of Latvia simultaneously with the registration of a child's birth pursuant to the wish expressed by one parent. A possibility is provided to grant citizenship to the children under the age of 15 years, based on the application of one parent (previously — based on the application of both parents). Persons between 15 and 18 years of age may be registered as the citizens of Latvia, based on the application of the person concerned. In addition, the requirements for the period of the permanent residence for an applicant for naturalization have been simplified, as well as easements for language examinations and exemptions from the examination are specified. For example, students, who have acquired the principal education in Latvian, acquiring more than half of the primary education programme in Latvian, are exempted from all naturalization exams.

205. With the amendments to *the Citizenship Law* adopted of 2013, Latvia has made the registration procedure for the new-born children of non-citizens of Latvia convenient and easily accessible, thus contributing to the termination of this temporary legal status.

206. Taking into account the history of Latvia, the increasing mobility of people and the need to maintain ties with citizens all over the world, along with the adoption of the aforementioned amendments to *the Citizenship Law*, the scope of application of dual citizenship has been significantly expanded. Dual citizenship within the meaning of the aforementioned law means that certain citizens can acquire Latvian citizenship while maintaining their nationality, and *vice versa*.

The rights of foreigners, refugees and asylum seekers

207. On 19 January 2016, a new *Asylum Law* entered into force, the purpose of which is to ensure the rights of persons to receive asylum in the Republic of Latvia, obtain refugee or alternative status, or receive temporary protection. An asylum seeker and refugee cannot not be expelled or extradited to a State of his or her nationality, if he or she is outside of that State and is reasonably afraid of persecution due to race, religion, nationality, membership of a particular social group or political opinion, and is unable or, due to such fear, does not want to accept the protection of the State of his or her nationality. A stateless person, who, while being outside of the State of his or her former habitual residence, is unable or unwilling to return to that State because of the same reasons, cannot be expelled. A person who has been granted an alternative status in the Republic of Latvia may not be expelled, if there is reason to believe that he or she may be subject to serious harm after returning to his or her country of origin and is therefore unable or unwilling to accept the protection of that country.

208. The Office of Citizenship and Migration Affairs maintains a register of asylum seekers with a purpose to ensure the recording of asylum seekers and of the progress of the asylum procedure (see Appendix No. 2). The decision on granting or refusal to grant a refugee or an alternative status must be made within three months from the date of the personal interview with the asylum seeker, but no later than within six months after the registration of the application.

209. In order to ensure that the asylum seeker is able to exercise his or her rights and obligations, the State Border Guard and the Office of Citizenship and Migration Affairs promptly informs the person about the asylum procedure, its time limits, the respective rights and obligations, the institutions providing legal aid, and about the conditions for admission, including the right to receive health care services, etc. An official of the State Border Guard and the Office provides the above-mentioned information to the asylum seeker in writing in a language which he or she understands, or in a language that is he or she is reasonably supposed be understand.

210. The increase of a number of asylum seekers has highlighted the necessity to develop and plan the inter-institutional cooperation, strengthen the capacity of the asylum system of Latvia and the availability of certain social guarantees to the asylum seekers, refugees and persons, who have been granted the alternative status.

211. Thus, in accordance with the provisions of *the Asylum Law*, a minor who has been granted a refugee or alternative status, must be provided with a possibility to acquire education in the official language. The same applies to minors to whom temporary protection has been granted. Minor asylum seekers are provided with educational opportunities, including preparation for the acquisition of the basic education, starting from the age of 5, acquisition of basic and general secondary education, continuation, after reaching the age of 18, of the general education already started, individual classes on various study subjects, language proficiency classes for the Latvian language and the mother tongue, if children of the asylum seekers study at the educational institutions that implement minority education programs, as well as financial support for the purchase of textbooks.

212. According to *the Law on Social Services and Social Assistance* of 2003, persons to whom a refugee status have been granted, have the same rights to receive social assistance, social or professional rehabilitation, social services financed from the State and local government budget and social assistance benefits financed by the local government, as citizens and non-citizens of Latvia. With the 2016 amendments to this Law the range of services that adults who have been granted the alternative status in the Republic of Latvia

(i.e., a temporary residence permit has been issued) can receive, was extended. Children, to whom an alternative status has been granted, have the same right to receive social care, social rehabilitation and social work services financed by the State or local governments, as the rest of the children in Latvia in similar situation. Since 2007, a person, who has been declared as a victim of trafficking in human beings, has the right to receive State-funded social rehabilitation services; in order to receive the service, a person does not have to have a temporary residence permit.

213. According to the provisions of *the Immigration Law*, the right to employment without restrictions is granted to the asylum seeker who has received the personal identity document of the asylum seeker, and has not received a decision of the Office of Citizenship and Migration Affairs on granting or refusal to grant a refugee or alternative status within six months from the submission of an application for refugee or alternative status, and this has not happened due to his or her fault. The right to employment remains until the final decision on granting or refusal to grant a refugee or alternative status has entered into force and has become final.

214. The purpose of *the Immigration Law* adopted in 2003 is to determine the procedures for the entry, stay, transit, departure, and detention of foreigners. On 16 June 2011, amendments to *the Immigration Law* entered into force, which significantly changed the procedures for the protection of the rights of individuals. The amendments stipulate that an expulsion order or decision to expel, and a decision on inclusion into the list integrated therein, and a decision on refusal of entry into the Schengen area within 7 days from the date of its entry into force may be contested to a higher authority according to the subordination procedure. The decision adopted by the higher authority can be appealed before the Administrative District Court within seven days after the day of its entry into force, while the decision made by the Administrative District Court may be appealed against by submitting a cassation appeal to the Department of Administrative Cases of the Supreme Court.

215. A foreigner, an asylum seeker (including a refugee and a person who has been granted an alternative status in the Republic of Latvia), who is not a citizen of the EU Member State, if he is legally residing in the Republic of Latvia and has received a permanent residence permit, as well as a foreigner who is subject to the expulsion procedure, in cases specified by *the Immigration Law* is entitled to the State funded legal aid in the cases and in the amount specified by *the State Ensured Legal Aid Law*.

216. On 1 January 2017, there were 73,965 third-country nationals registered in Latvia; 26,262 of them had residence permits and 47,703 — permanent residence permits. Key countries of origin are Russia (75%), Ukraine (9%), Belarus (4%), Uzbekistan (2%), China (2%); other third countries 8%. The main reasons for entry are work, studies, marriages and investments in real estate or local businesses.

Protection of the rights of persons with disabilities

217. In order to implement the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Cabinet of Ministers has approved *Guidelines on the Implementation of the Convention for 2013–2010*, as well as plan of implementation for 2015–2017.

218. Latvia has consistently worked on harmonized and well-coordinated co-operation between institutions involved in the implementation of rights of persons with disabilities, including on the establishment of an inclusive education system, as well as on the promotion of access to the environment and participation in social projects. Since 2011, several services have been introduced that aim at reducing the consequences of disability and promoting access to services and day-to-day activities.

219. For example, psychologist's services have been provided for children and minors to whom the disability has been established for the first time (and their legal representatives). In 2012, an assistant's service in educational institutions for children and minors between 5–18 years of age was introduced, promoting inclusive education and ensuring the needs of the children during the educational process. Work continues on providing the assistant's services for people with disabilities during acquisition of higher education; a project is

implemented that assists people with mental illness in carrying out daily tasks; the number of programmes and movies subtitled and translated into the sign language is gradually increasing, etc.

220. Since 1 July 2014, several benefits have been introduced and increased in order to support persons with disabilities and improve their financial situation. In general, the amount of benefits for persons with disability has increased by 30%.

221. On 27 October 2013, amendments to Article 11 of *the Criminal Procedure Law* entered into force, providing that the right to use in the criminal proceedings the language that the person knows and to use the interpreter's assistance free of charge also applies to persons who have hearing, sight or speech impairments. In cases provided for by law, procedural documents are issued to such persons in the language that they understand, or in a manner that the person is able to understand.

222. On 1 January 2013, amendments to *the Civil Law*, *the Civil Procedure Law* and *the Law On Orphan's and Custody Courts* entered into force, abolishing the complete deprivation of legal capacity, replacing it with the concept of restricted legal capacity. Complete deprivation of legal capacity is therefore no longer possible. Furthermore, a person is may not restricted in his or her personal intangible rights (for example, the right to marry), as well as in the right to defend in institutions and before a court his or her rights and legitimate interests in connection with the restrictions of legal capacity and personal freedom, disputes with a guardian and appointment and dismissal of a guardian. Legal capacity can only be restricted in the areas governed by property law (such as financial matters and the right to manage his or her property). Legal capacity of a person with mental illness or other health disorders can be restricted in exceptional cases only to the extent that he or she is not able to understand the meaning of his or her actions or is not able to manage his or her actions.

223. In addition, in 2013 amendments to *the Civil Law* entered into force whereby a new legal concept — lasting power of attorney — was introduced. It allows a person, if he or she is aware of the fact that in the future there may be situations that may prevent him or her from deciding for himself or herself, to issue lasting power of attorney for settling specific matters if the person due to medical disorders or other reasons or circumstances becomes unable to understand the consequences of his or her actions and to manage his or her actions.

224. In the area of labour law, the legislator has determined that in order to promote the implementation of the principle of equal rights with regard to persons with disabilities, an employer is obliged to take measures, as the circumstances may require, to adapt the working environment, facilitate the ability of these persons to establish labour relations, to perform their duties, to be promoted or sent to professional training or raise their qualification. *The Labour Law* also stipulates that the implementation of such measures must be balanced against the burden on the employer in fulfilling this duty.

225. The website of the Latvian Radio contains transcripts of the most topical and most popular programmes for people with auditory impairments. Particular attention has also been paid to raising public awareness of disability issues, integrating issues related to the rights and needs of persons with disabilities into the content of the programmes of the Latvian Television and Latvian Radio.

Promotion of gender equality

226. The gender equality policy of Latvia is based on the integrated approach to gender equality. Pursuant to this approach, the aspect of gender equality is taken into account at all stages of policy planning, including drafting of legal acts, drafting and implementation of policy-planning documents. The prohibition of differential treatment and the principle of equality are established in the main legal acts various branches. In order to ensure the implementation of integrated approach to gender equality at all policy levels and branches, each ministry and the State Chancellery have appointed an official who is responsible for the implementation of the basic principles of gender equality in the relevant area. The gender equality policy of Latvia is developed in close cooperation with NGOs. The Gender Equality Committee continues its work (see paragraph 142).

227. Framework for the gender equality policy is based on the concept adopted in 2001 for the implementation of gender equality. Several policy-planning documents, including the *Plan for the Implementation of Gender Equality 2012–2014*, were prepared based on the issues identified and the necessary improvements. The plan identified four main lines of action and measures for their implementation: reducing gender roles and stereotypes, promoting healthy and environmentally friendly lifestyles for women and men, promoting economic independence and equal opportunities in the labour market for women and men, and monitoring and evaluation of gender equality policies. In order to establish subsequent framework for the implementation of gender equality policies, the action plan for equal opportunities and rights for women and men for 2017–2020 is currently drafted.

228. On 12 May 2015, *the Guidelines on Inclusive Employment for 2015–2020* were adopted. This policy-planning document, the main objectives of which are the development of an inclusive and balanced labour market, as well as the creation of an environment facilitating employment, focuses also on such issues as the segregation of the labour market and the lack of a balanced representation of women and men in different sectors of the labour market, which also affects the formation of wage differences between women and men.

229. Measures to promote the work and family life balance, namely, the development of childcare facilities and introduction of flexible working hours and methods, are purposefully implemented in Latvia. For example, the Ministry of Welfare in cooperation with several local governments and the Institute for Corporate Sustainability and Responsibility (InCSR) implements a project aimed at developing flexible childcare services for children whose parents have a non-standard working hours, thus promoting the employment of parents, in particular women, and work and family life balance. Particular attention is paid to measures aimed at fathers of newborns and their active participation in the care of a newborn child, thus strengthening the family relationships in general. The involvement of NGOs and the private sector for promotion of both, the role of men in today's changing society and the more active involvement of fathers in the care and upbringing of children, plays an important role. According to statistics, there is an increase in the number of fathers who have taken paternity leave due to the birth of a child, which indicates a growing participation of men in childcare: in 2004 — 22%, but in 2014 — 45%, and in 2015 — 48%.

230. Between 2013 and 2014, in the framework of a project on gender equality in economic decision-making by a public information campaign was implemented, where the observance of the equality principles regarding equal pay between women and men, the choice of profession and career opportunities, was highlighted. The Sustainable Development Index also was updated, emphasising the importance of gender equality in the work of businesses, as well as acknowledging and rewarding the most successful companies. Within the framework of the responsible business week in 2014, the most gender-equal company was honoured, thus acknowledging companies for their sustainable work and corporate responsibility. In 2016, a project on promoting diversity and preventing discrimination has been launched, within the framework of which it is planned to improve the tools for assessing national policies and to focus on the impact of budgeting on changes in the situation of women and men, and to raise public awareness about non-discrimination and inclusive society.

231. Latvia has achieved very positive indicators for involving women in decision-making, especially in the area of economics. According to the data of the Enterprise Register of the Republic of Latvia, one third of all Latvian enterprises belong to women — in 2014 it was 33.01%, and in 2015 — 32.9%. Women mostly run micro- and small businesses. The data also show that 25% of the companies with a turnover of more than EUR 7 million per year have women as their board members. At the same time, the number of women in the management of the companies listed on the stock exchanges has slightly decreased compared to 2014 (31%), constituting 28.5% and ranked seventh among the EU Member States.

232. In the field of education in Latvia, there is a trend for women to be more educated than men, with a particularly marked difference between those who have acquired higher education. According to statistics, the share of women with higher education in 2016 was

65%. At the same time, women are less represented in science and technology at all levels of education, which is also reflected in the labour market. In order to reduce educational segregation, the working group, established under the supervision of the Gender Equality Committee, in 2013 developed recommendations for *Balancing the number of women and men and mainstreaming gender equality in the pre-school, general, vocational and higher education levels in Latvia, in the educational process and content up to 2020*. In the field of education, attention is paid to the performance of boys in order to reduce the difference in learning outcomes in (intuitive) reading, mathematics and science, and to reduce the number of children, especially boys, "dropping out" from the education system.